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CITY OF MILWAUKEE

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UTILITIES & LICENSES COMMITTEE

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In the Matter of the Renewal Application for a Class A Malt for:

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"SUNSHINE FOOD MARKET"

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SAMIH MUSATIFF

8

J&S of Milwaukee, LLC

103 East Keefe Street

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COMMITTEE MEMBERS

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ALD. JAMES WITKOWIAK - Chair

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

ALD. JOSEPH A. DUDZIK

13

ALD. ROBERT PUENTE

ALD. WILLIE WADE

14

LICENSING DIVISION by REBECCA BARRON

15

NEIGHBORHOOD SERVICES by PANDORA BENDER

HEALTH DEPARTMENT by KEVIN HULBERT

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POLICE DEPARTMENT by SERGAENT CHESTER ULICKEY

OFFICE OF THE CITY ATTORNEY by ATTORNEY BRUCE SCHRIMPF

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Proceedings had and testimony given in

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the above-entitled matter, before the LICENSES

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COMMITTEE OF THE CITY OF MILWAUKEE, on

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the 6th day of June, 2006.

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P R O C E E D I N G S

VICE-CHAIRMAN BOHL: Moving on to the 9:15 agenda. Samih Musaitif, agent for "J & S of Milwaukee, LLC," Class "A" Malt renewal application as agent for J & S of Milwaukee, LLC for "Sunshine Food Market" at 103 East Keefe Street in the 6th District. Good morning, gentlemen.

If you could raise your right hand, we'll swear you in?

(Whereupon the applicants were sworn.)

CHAIRMAN WITKOWIAK: Name and address for the record, please? Pull - - Pull that microphone towards yourself and speak into it.

THE APPLICANT: Samih Musaitif, 308 West College Avenue, Milwaukee, Wisconsin 53207.

CHAIRMAN WITKOWIAK: And you, sir?

MR. MUSAITIF: Rabeeh Musaitif, R-A-B-E-E-H, last name is M-U-S-A-I-T-I-F. Address 2121 West Burgess Street.

CHAIRMAN WITKOWIAK: And what is your purpose for being here?

MR. MUSAITIF: I'm the manager for the store.

CHAIRMAN WITKOWIAK: Manager, okay.

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1 Let the record show Alderman McGee appears on
2 this matter.
3 Mr. Musaitif, do you admit to receiving
4 notice in the mail there's a possibility your
5 application could be denied because of items
6 contained in the police report, and neighborhood
7 objections to loitering, littering, loud music,
8 noise, drugs, criminal activity, failure to
9 maintain the orderly appearance of the building,
10 public urination, sales to underage, traffic,
11 parking problems and conduct which is detrimental
12 to the health, safety and welfare of the
13 neighborhood?
14 THE APPLICANT: Yes.
15 CHAIRMAN WITKOWIAK: Did you receive
16 one of those letters? Okay. Neighborhood
17 Services?
18 DNS: No objection.
19 CHAIRMAN WITKOWIAK: Health Department?
20 HEALTH: No objection.
21 CHAIRMAN WITKOWIAK: Sergeant Ulickey.
22 SERGEANT ULICKEY: On 1/8 of '05 at
23 5:32 p.m. Milwaukee Police conducted a license
24 premise check at 103 East Keefe, Sunshine Food.
25 Observed the video recording machine attached to

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1 the security cameras not working. Also, there
2 was no tape in the machine. Officers also noted
3 numerous snack items for individual sale that
4 were not meant for individual sale. He was given
5 citations for false labeling of food and
6 convenience store regulations. The false
7 labeling was dismissed, and he was found guilty
8 of the convenience food store regulations and
9 fined for that.

10 The applicant is also a licensee at
11 Pride Food, 2101 West Brown, which he was given a
12 citation for sale of alcohol to underage person
13 and found guilty of that. That occurred on 12/20
14 of '05.

15 CHAIRMAN WITKOWIAK: Do you have any
16 questions on the police report?

17 MR. MUSAITIF: For - -

18 CHAIRMAN WITKOWIAK: No. To the
19 applicant, please. Okay.

20 THE APPLICANT: No.

21 ALDERMAN PUENTE: Move that the police
22 report become part of the permanent record.

23 CHAIRMAN WITKOWIAK: Alderman Puente
24 moves to make the police report part of the
25 permanent record in this hearing. Hearing no

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1 objections, so ordered. Sir.

2 THE APPLICANT: The - - The only thing
3 is about the - - that - - when the police was
4 there, about the Little Debbie's, the snacks, and
5 with no label. It's - - It's for everybody, and
6 about the tape, also, we - - we called him, the
7 moment when he was there, my brother was there,
8 and I believe his wife or somebody else was
9 there. At that moment, they - - they didn't know
10 how to locate the tape. Then we - - we called
11 him - - called him about the tape. And that's
12 what he dismissed. And Little Debbie's, it's - -
13 Everybody has Little Debbie on the shelf, or
14 sometimes the - - in the bars and buy it.

15 CHAIRMAN WITKOWIAK: Can I see a show
16 of hands? Is there anyone here to testify from
17 the neighborhood about 103 East Keefe Avenue? We
18 have several people here to testify. Can I have
19 you all raise your right hands, whoever is going
20 to testify, and we'll swear you in?

21 (Whereupon the witnesses were sworn.)

22 CHAIRMAN WITKOWIAK: Who is hereto
23 testify in opposition to this license being
24 renewed? Okay. Could - - Could, one at a time,
25 could I have you come to the standing microphone

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1 over here and - - and the opposition, people
2 testifying in opposition, and give us your name
3 and address, and then your testimony.

4 THE WITNESS: My name is Donna Handel.
5 I live at 3422 North 3rd. I've been there for 18
6 years. I'm the Vice-President of Cluster 2
7 Neighborhood Association. We work with Bruce
8 Scott in the 5th District, and Jacob Core from
9 the District Attorney's office.

10 We have three stores within a two block
11 range. We have one on 1st and Keefe, one on 3rd
12 and Keefe, and one on Atkinson and Martin Luther
13 King. The two stores on 1st and 3rd are our
14 biggest problem in that neighborhood. We have
15 all the gangs, the Vice Lords and everybody else
16 out there all the time. They're in clusters. I
17 would not walk in that store, in either one of
18 those stores unless it was an emergency. I would
19 be too scared of it.

20 CHAIRMAN WITKOWIAK: Now, is this one
21 of the stores you're referring to?

22 THE WITNESS: Right.

23 CHAIRMAN WITKOWIAK: Okay. This - -

24 THE WITNESS: The one on 1st and Keefe,
25 Sunshine Foods.

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CHAIRMAN WITKOWIAK: Okay.

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THE WITNESS: I would not even attempt to go in that store. I'd be scared to go in that store, because it's not run the way it should be. There's so many people, young people out there, and you know they're gangs. There's a lot of elderly people that live in that neighborhood that would patronize these stores if they wouldn't be scared. But they're scared to go to the stores. They really are. So either they go ahead and get a cab or they take a bus. For a simple thing like a loaf of bread they would not go in. I hear this every day. I've been there for 18 years. I know just about everybody that's in that neighborhood from the time they were little until now they're adults. That's all I got to say.

CHAIRMAN WITKOWIAK: Hold on a second. A couple questions for you. So - - So you're saying that the - - the owner allows or condones loitering.

THE WITNESS: Yes. It's outside the building constantly. You can - - You can take - - Walk down the street. You can ride a cab. You can get in a car. You can see five - ten of

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1 them outside the building. I don't know what's
2 going on inside the building, but outside on the
3 side of the building you can see it all the time.

4 CHAIRMAN WITKOWIAK: Just wait there.
5 There might be some questions. Mr. Musaitif, do
6 you have any questions of - -

7 THE APPLICANT: Yes, I do.

8 CHAIRMAN WITKOWIAK: Oh, go ahead.

9 THE APPLICANT: First of all, I'm
10 talking to - - to her as a good citizen and a
11 neighbor, if she have any problem and she want to
12 be a good citizen, she could at least call the
13 cops, because we have a "no loitering" sign
14 outside. If the manager or me or anybody else
15 work inside, he have no control for anything
16 outside. Honest, if you have complained, we
17 always tell them to move around. If they move,
18 always they coming back or - - in that location,
19 period, me personally, I don't see no loitering
20 any - - anyway. It used to be - - I used to be
21 like sell candy in the early '90s, and that - -
22 that spot used to be very hot with a lot of
23 people in there. Now, I don't see this problem,
24 and it's - - it's not only that location. If
25 there is some people be loitering, and it's all

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1 over Milwaukee.

2 And the second thing she said three
3 stores in two blocks. She said 1st and Keefe and
4 3rd and Keefe, and Atkinson. And if you want - -
5 want to see how far Atkinson from - - from 1st
6 and Keefe, it's about ten blocks at least. And
7 she included that with this. But this - - This,
8 the problem is all over. I think the Sergeant
9 here and everybody here from the town, know the
10 town and know that's all over. It's - - I don't
11 think it's me or anyone else in the store have
12 any control over the people for the shopping.
13 This is a City ordinance there's no loitering,
14 and you have the "no loitering" sign, and they
15 should be ticketed. I have the problem in my
16 location, I be calling the cops every time.
17 Sometime they show up two hours, one hour late.
18 You see, and a good citizen - - and when the
19 business - - a lot of the business over there
20 should give support, not be against somebody who
21 try to make a living.

22 CHAIRMAN WITKOWIAK: Any questions by
23 members of the committee?

24 ALDERMAN PUENTE: Mr. Chair.

25 CHAIRMAN WITKOWIAK: Alderman Puente.

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1 ALDERMAN PUENTE: Do you fear going in
2 there yourself?
3 THE WITNESS: Yes, I do.
4 ALDERMAN PUENTE: Okay.
5 THE WITNESS: And I can name several
6 people that - -
7 ALDERMAN PUENTE: No. We just need
8 your testimony.
9 THE WITNESS: Yes, I do.
10 ALDERMAN PUENTE: What you've
11 experienced and what you've seen.
12 THE WITNESS: Yes, I do.
13 ALDERMAN PUENTE: Have you seen any
14 other drug activity or are there other criminal
15 activity with these people loitering outside?
16 THE WITNESS: This, I really can't get
17 into. I handle that through Jacob Core. That,
18 you have to ask him.
19 ALDERMAN PUENTE: Do you have any - -
20 any concerns about the parking problems over
21 there?
22 THE WITNESS: No.
23 ALDERMAN PUENTE: Okay. Thank you.
24 CHAIRMAN WITKOWIAK: Any other
25 questions by - - of this witness? Thank you very

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1 much for your testimony, Donna. Next witness,
2 please, in opposition?

3 THE WITNESS: Good morning. My name is
4 Reverend Garry Levy, Pastor of True Love
5 Missionary Baptist Church on 2nd - - 210 West
6 Keefe.

7 CHAIRMAN WITKOWIAK: Okay. And your
8 testimony.

9 THE WITNESS: My testimony, I'm newly
10 like Pastor there, and for the last couple of
11 months since I've been there I can really see the
12 nuisance. And we are - - We just taken in about
13 30 members in our church, and we have a lot of
14 youth, and things that we are want - - really
15 wanting to focus on this year. And we can see
16 the problem that's going on in that neighborhood.
17 Not only that, like the lady just stated, since
18 I've been there, you can see just sitting around
19 the store, all on bikes and everything else. And
20 I agree, they can't handle what's going on on the
21 outside, but if they're sitting right in their
22 doorway, like they can go out and ask them to
23 move. But they are constantly sitting in - - in
24 the doorway, and bottles and everything being
25 thrown all over everywhere.

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1 CHAIRMAN WITKOWIAK: Any questions of
2 this witness?

3 ALDERMAN PUENTE: Mr. Chair.

4 CHAIRMAN WITKOWIAK: Alderman Puente.

5 ALDERMAN PUENTE: The bottles and
6 debris, do you know for a fact that it's coming
7 from this store?

8 THE WITNESS: Well, it's coming part
9 from that store and the other store at one - -
10 the first, which we're talking about Sunshine,
11 and also, Third. A lot of our members, young
12 kids, was going there, and since I've been there,
13 I have stopped them from going into those stores,
14 because there are some activities taking place
15 and - - and, in fact, what we are doing at True
16 Love Church, instead of them going there, we're
17 having them to bring little snacks, and we are
18 allowing them to do things within the church.
19 Because when they go, we are hearing about a lot
20 of complaints, and - - and the debris is coming
21 from all over. I'm there every day. I'm picking
22 up. I'm looking around the neighborhood. I'm
23 getting used to the neighborhood, and you can see
24 a lot of the activity taking place. And - - And,
25 again, one of the concerns, which I think is very

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1 important, that, you're right, you can't handle
2 what's going on on the outside, but if they're
3 sitting in your doorway, I think you have a right
4 to go and ask them to move, and - - and I think
5 they will if they was told. But they're just
6 constantly sitting in the doorway, like they
7 doing business there or something.

8 ALDERMAN PUENTE: You mentioned
9 activity, can you expound on that activity, and
10 is it illegal activity that you're seeing?

11 THE WITNESS: Well, some of the things
12 that we're hearing from the members are from our
13 church.

14 ALDERMAN PUENTE: I need to know what
15 you have seen or - -

16 THE WITNESS: Well, that's what I'm - -
17 I'm speaking on behalf of the True Love Baptist
18 Church. As far as the activity, I haven't been
19 into the store. But I can say I knows what's
20 going on in the neighborhood, and I do know
21 there's a lot of activity at that store, Sunshine
22 Food, what we're speaking about.

23 ALDERMAN PUENTE: All right. When you
24 speak on behalf of somebody else, that's called
25 hearsay.

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1 THE WITNESS: I understand, but I guess
2 I'm here as a True Love Baptist Church, which I
3 am the Pas - - I'm the shepherd, which I can
4 speak on behalf of that church. I think that's
5 part of the - - the law, also.

6 ALDERMAN PUENTE: Thank you, Mr. Chair.

7 CHAIRMAN WITKOWIAK: Is there questions
8 by members of the committee? No. Do you have
9 any questions of this witness, or?

10 MR. MUSAITIF: I have some.

11 CHAIRMAN WITKOWIAK: Go ahead.

12 MR. MUSAITIF: I'm there for over seven
13 years at this location, work and manage. Most of
14 my time I be there, and my wife. I have this
15 gentleman from the Health Department walk in
16 there. I notice that he - - I've never seen
17 there. This lady was there about a month ago.
18 Never seen that.

19 If you look at this neighborhood, we
20 have a company across the street from us. Matter
21 of the snow, cleaning, cutting grass, it be the
22 cleanest in the whole neighborhood. Ours and
23 across the street neighbor, which is a company.
24 We pick up trash at least three - four times
25 outside we go. We don't let nobody loitering

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1 around the store. We have two signs. One I
2 paint on the wall. One on a card - - on a board.
3 And we - - certain occasion, we call the police
4 if we see this activity. And I don't think she
5 thinks the truth. Maybe some - - some kids hang
6 about a couple minutes outside or so. But no
7 loitering problems there. It's the cleanest,
8 inside, outside. When I would have no trouble
9 with the police or anything - - anybody else over
10 there. It's clean for the Health Department.
11 And cleaning and anything, inside and outside.

12 She seen some people looking next block
13 or away far away from us, like he said, we don't
14 have any control to it. But if I see anybody
15 loitering, I, myself, call the police all the
16 time.

17 ALDERMAN WADE: Mr. Chair.

18 CHAIRMAN WITKOWIAK: Alderman Wade.

19 ALDERMAN WADE: To - - To the Pastor.

20 You expressed that you - - that they have bikes
21 and people loitering in their doorway at - - at
22 the store. Have you witnessed this personally?

23 THE WITNESS: If I could correct that.

24 I didn't say they was loitering in the doorway.
25 I said they were sitting in front of the doorway

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1 on their bikes.
2 ALDERMAN WADE: Okay.
3 THE WITNESS: I mean, there's always a
4 group at the doorway. Any time you go through
5 there you see this group sitting outside the
6 doorway.
7 ALDERMAN WADE: You - - You seen ..
8 THE WITNESS: I'm not saying they're
9 loitering. But the loitering, I mean, just
10 coming from the store.
11 ALDERMAN WADE: But there are groups
12 sitting - -
13 THE WITNESS: Yeah, sit - -
14 ALDERMAN WADE: - - in front of the
15 door.
16 THE WITNESS: Sitting on the sidewalk.
17 ALDERMAN WADE: And you - - And you
18 have saw that personally.
19 THE WITNESS: I've seen that
20 personally.
21 ALDERMAN WADE: Okay. Thank you.
22 CHAIRMAN WITKOWIAK: All right. Go
23 ahead.
24 THE APPLICANT: My question is to the
25 Pastor, and his church, which is True Love, and

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1 this activity, all this problem is for the
2 neighborhood and the children, but all the church
3 who have True Love, that he should come to the
4 building, guys there's one, two, three, four,
5 five. they've been sitting here for a minute,
6 for two hours, three hours, one hour fifteen
7 minutes, but if any time if he pass by and
8 there's kids coming to - - to shop something, and
9 they have somebody watching their bikes outside
10 from stealing, that doesn't mean they are
11 loitering or anything. Which - - This happen all
12 over, even in - - in the gas stations, in the
13 supermarkets, anywhere, in a parking lot or
14 anywhere. This - - This trouble, you're talking
15 about, me, personally, I never aware of these
16 things. I seen in my location where I - - where
17 I run the store it's more than that. I seen it
18 all over. You go all over any street, North
19 Avenue, Center, Locust, anywhere you - - even the
20 south side. You will see more of that activity.
21 We are be on a couple of these things, even me or
22 - - or him or anyone else, they know the thing,
23 because we - - we were here last year, and we
24 tried to - - to reduce everything to have the
25 convenience store for the needy, for the older

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1 people, for the kids, for everybody. And that's
2 all I'm going to say.

3 MR. SCHRIMPF: Mr. Chairman.

4 MR. MUSAITIF: Can I say one - -

5 CHAIRMAN WITKOWIAK: No. Mr. Schrimpf.

6 MR. SCHRIMPF: Reverend Levy - -

7 THE WITNESS: Levy.

8 MR. SCHRIMPF: Levy. I'm sorry. With
9 respect to the loitering that you've seen, all
10 right, the congregations of the kids in front of
11 the store on their bikes. First of all, how old
12 are these people?

13 THE WITNESS: On the bikes?

14 MR. SCHRIMPF: Yes.

15 THE WITNESS: They're in their teens, I
16 would say some 16, 17, around that age.

17 MR. SCHRIMPF: And how frequently do
18 you get to go past the store?

19 THE WITNESS: Every day.

20 MR. SCHRIMPF: And how many times a day
21 do you get to go past the store?

22 THE WITNESS: I'm in and out of the
23 church quite often. And - - And when you - - I
24 walk around the parking lot to pick up a lot of
25 the papers and bottles and things, and I can see

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1 the store from our parking lot. So it's - - I
2 don't have to really drive through. I can see it
3 from the parking lot.

4 MR. SCHRIMPF: Okay. And how often do
5 you see what you've described as these kids
6 sitting on their bikes?

7 THE WITNESS: Almost every day since
8 I've been there for the last two months.

9 MR. SCHRIMPF: Well, but how many times
10 a day?

11 THE WITNESS: I'm not understanding
12 what you're saying.

13 MR. SCHRIMPF: Once a day, twice a day?

14 THE WITNESS: Whenever I'm there. I
15 mean, it's - - it's always - - Seems there's
16 always a group there. I mean, I'm - -

17 MR. SCHRIMPF: I'm trying to get some
18 quantity to this.

19 THE WITNESS: Um-hnh.

20 MR. SCHRIMPF: Okay. So that the
21 committee has some idea of really what's
22 happening. How many times, let's say on a daily
23 basis, do you get to see the store from the
24 church parking lot?

25 THE WITNESS: Okay. If you want me to

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1 put a number on it, when I go in, come into the
2 lot, I see the store, that's once. When I leave.
3 I may come back two or three times. So let's say
4 four or five times a day.

5 MR. SCHRIMPF: Per day.

6 THE WITNESS: Per day.

7 MR. SCHRIMPF: And do you see kids
8 outside of the store each and every time?

9 THE WITNESS: Each and every time.

10 MR. SCHRIMPF: And how many do you see?

11 THE WITNESS: Sometime there's three.

12 Sometime there may be more. I think you have
13 like a - - some type of bat or something that
14 they - - they hang around or something, like some
15 wood or something around. But they always around
16 the store.

17 MR. SCHRIMPF: And do you see this on,
18 for example, school days?

19 THE WITNESS: Yes. School days, too.

20 In fact, I would just - - I mean school is not
21 out yet, and when I - - You go back now, you'll
22 probably see it now. And if I can, please, to
23 add, like he's - - the gentleman stated that when
24 they call the police on a certain item, the first
25 month since I've been there, there was a shooting

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1 on a Wednesday night for our Bible study, and
2 someone called the police. So we didn't get an
3 answer for that. And those are some of our
4 concerns. We - - We - - We have a congregation
5 of young children that's coming back, and we want
6 to have things for them to do in the summertime,
7 activities.

8 MR. SCHRIMPF: Are you saying this
9 shooting was connected to the store?

10 THE WITNESS: No, I'm not saying - -
11 I'm just saying when he mentioned the police
12 officer, when you called them in regards to
13 loitering. We called them in regards to a
14 shooting, and I don't know how they respond to
15 that. We didn't get them right away. So those
16 are the concerns as a Pastor of True Love Baptist
17 Church that I do have in that community. We have
18 a lot of young people in our church, and we want
19 to do all that we can to have some things for
20 them to do this summer.

21 MR. SCHRIMPF: Other than the
22 loitering, have you seen any other problems with
23 respect to this store?

24 THE WITNESS: No, I haven't really.
25 I've never been into the store. Just observing

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1 the neighborhood and seeing where most of the
2 activity and things are coming from.

3 MR. SCHRIMPF: Thank you. That's all I
4 have, Mr. Chairman.

5 THE APPLICANT: May I say something?

6 CHAIRMAN WITKOWIAK: Go ahead.

7 MR. MUSAITIF: I hear this gentleman
8 mention bikes, bikes. I see some kids, they come
9 into the store, like I say, I'm always there open
10 to close. It must have been this week. I see
11 some kids come on a bike. But the chips were
12 sold, and they be leaving. Of course, when - -
13 when two - three kids get bikes, of course, they
14 going to leave the bikes for two - three minutes
15 outside to pick up something. You can't rush the
16 people. Plus I have just the one guy from the
17 neighborhood, he be sitting down there, always,
18 on - - most of the time, because he be helping
19 us. He asked for give me chips, give me sodas,
20 give me some food, give me something. Maybe - -
21 Maybe he's seen him outside or inside, sitting
22 down, but he's saying he never come to the store.
23 He been watching from the church. The church is
24 a block away or more. How he see - - How you see
25 some people inside from a block away? He just

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1 mentioned now he never been in the store.

2 CHAIRMAN WITKOWIAK: Okay. All right.

3 Thank you.

4 THE WITNESS: I said I never been
5 inside the store. Not around the store.

6 MR. MUSAITIF: How you see - - How you
7 see - - How you see people inside the store?

8 CHAIRMAN WITKOWIAK: Okay, that's - -

9 ALDERMAN BOHL: Mr. Chairman.

10 CHAIRMAN WITKOWIAK: Let me run this
11 meeting, okay. Alderman Bohl.

12 ALDERMAN BOHL: As far as I know, the
13 applicant or his assistant here have the
14 opportunity to ask questions of the witness in
15 the form of a question. If not, they can make
16 comments when they want to provide a closing that
17 would rebut things that are stated, but I don't
18 know that this point for point issue is - - is
19 moving this meeting along here.

20 CHAIRMAN WITKOWIAK: We're having a
21 debate. Not a question and answer session. And
22 this should be questions and answers. So does
23 anybody have any further questions of the
24 Reverend here? Thank you for your testimony.
25 Next person to testify in opposition.

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1 THE WITNESS: Good morning, Mr.
2 Chairman and committee members.

3 CHAIRMAN WITKOWIAK: Name and address
4 for the record, please?

5 THE WITNESS: My name is Daryl Johnson.
6 I'm Executive Director of River Works Business
7 Improvement District No. 36, which we started
8 around two years ago. And the whole focus of
9 starting the BID was to improve businesses and
10 appearance along Keefe Avenue and also, Holton
11 Street. And the other thing about it, I live at
12 133 West Randolph Street, which is about a block
13 and a half from the store. So I get it from two
14 perspectives.

15 One, for overseeing the BID, because we
16 do have an individual who is a sweep - - a
17 sidewalk sweeper, who come through the
18 neighborhood, and we hit that area along Keefe
19 Avenue at least once a week. And there was a
20 interesting time, I was coming home from lunch,
21 and I saw a gentleman out sweeping the gutter.
22 And what he mainly did is sweep it around to the
23 sewer area. So you have two sewers on 1st and
24 Keefe, both of them are filled with garbage from
25 the store. I also have seen gentlemen, who have

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1 bought alcohol from the store, and go sit across
2 the street at a vacant lot, because they have the
3 wood and this concrete, and so they buy liquor
4 there and they go sit over there, and mainly that
5 lot is filled with garbage from the store. So
6 from my perspective, from the BID point, we do
7 not support him renewing his Class "B" liquor
8 license.

9 CHAIRMAN WITKOWIAK: And do we have any
10 - - Do you have any questions? Not a comment.
11 Question - - Question.

12 MR. MUSAITIF: Question to him?

13 CHAIRMAN WITKOWIAK: Question to him,
14 not a comment. Do you have a question?

15 MR. MUSAITIF: I just - - My question
16 is when we sweep, we sweep even side of the
17 street.

18 CHAIRMAN WITKOWIAK: No, you're making
19 a comment. I want you to ask him a question.
20 Okay, that's - -

21 MR. MUSAITIF: Okay. I have - - I have
22 a question.

23 CHAIRMAN WITKOWIAK: No, that's it.

24 MR. MUSAITIF: I have a question.

25 CHAIRMAN WITKOWIAK: You don't

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1 understand the rules here, you know.

2 MR. MUSAITIF: I go - -

3 CHAIRMAN WITKOWIAK: And we've been
4 kind of liberal with this, and now you're like
5 dragging it on and dragging it on. So - -

6 MR. MUSAITIF: Can I ask him a
7 question?

8 CHAIRMAN WITKOWIAK: No. Questions by
9 members of the committee.

10 ALDERMAN PUENTE: Mr. Chair.

11 CHAIRMAN WITKOWIAK: Alderman Puente.

12 ALDERMAN PUENTE: Sir, have you
13 witnessed anything that the prior people
14 testified to about the loitering? I mean, you
15 said something about littering across the street
16 and that, and the sweeping, but what about the
17 loitering with - - with the kids out in front on
18 the bikes and stuff like that?

19 THE WITNESS: Yes, that has occurred.
20 I live about four blocks from where I work. So I
21 do go home for lunch, and when I go home for
22 lunch it's around like one o'clock, and so it's
23 always - - not always, but sometimes young men
24 hanging out around the store. And it can vary
25 anywhere from three to six.

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1 ALDERMAN PUENTE: The young men you
2 speak of, would they - - should they be in
3 school? And have you seen them outside there
4 during the school hours?

5 THE WITNESS: Yes, they should be. I
6 think a lot of them are under age 18, and we do
7 have a lot of young people who for some reason
8 are not in school, continuously hang out in the
9 neighborhood during school days.

10 ALDERMAN PUENTE: Thank you, Mr. Chair.
11 Any other questions by members of the committee?
12 Do you have a question of this witness? If you
13 try to stick a statement in there, I'm going to
14 cut you off and I'm going to - - I'm going to
15 become impatient with you, because we don't want
16 to be here until six o'clock at night. So if you
17 have a bona fide question for this person, you
18 can ask it. If you're trying to sneak a comment
19 in, guised as a question, I'm not going to accept
20 it.

21 MR. MUSAITIF: What you mean, the
22 question to him is three years ago, we have been
23 here, again, he was here. And I talked - - spoke
24 to him after we doing, I said if you have a
25 problem, you see anything wrong, why don't you

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1 just come and talk to us. And he never did. I
2 just want to ask him why he never come talk to me
3 about anything?

4 CHAIRMAN WITKOWIAK: Okay. That's a
5 question.

6 THE WITNESS: Shortly after we met, I
7 think I sent you business information about the
8 facade grant program to help you with any
9 exterior improvements. You never responded to
10 the letter I sent you.

11 MR. MUSAITIF: I never see a letter,
12 but I ask you come personal to see me. I see you
13 - - I see you back from there. Almost every day
14 I see you back from there. You never even - -
15 you don't even look at the store or anything.
16 You buy - - You never spent a penny. You never
17 talked to me. You never say let's go over here
18 or anything. I asked you to come in, talk to me.

19 CHAIRMAN WITKOWIAK: Did you have a
20 question?

21 THE APPLICANT: I was going to ask him
22 the same question, because when we went out after
23 the meeting, I took his card. I took - - I gave
24 him my - - my name, my business phone and
25 everything, just for any problem, any kind of

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1 problem, anything, just come to resolve it, which
2 was never done.

3 CHAIRMAN WITKOWIAK: Okay. Thank you.
4 Any other questions of this witness? Any - -
5 Any?

6 THE WITNESS: Yeah, can I make a final
7 comment.

8 CHAIRMAN WITKOWIAK: Go ahead.

9 THE WITNESS: One of the things that we
10 do as the Business Improvement District, we do
11 communicate with the businesses. But we also
12 expect the business to be respectful of the
13 neighborhood, and that's not my job to come out
14 and tell you every day that you need to pick up
15 the litter and garbage in the neighborhood, stop
16 young people from hanging around your building.
17 As a business owner, that's your responsibility
18 being in the neighborhood. And I just think it's
19 very disrespectful for - - for those individuals
20 who do live in the neighborhood, that you
21 continue to let these things happen.

22 ALDERMAN PUENTE: Mr. Chair.

23 CHAIRMAN WITKOWIAK: Alderman Puente.

24 ALDERMAN PUENTE: The person you saw
25 sweeping the debris into the sewer, do you know

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1 that to be a fact that that person sweeping was
2 an employee or was the owner - - one of the
3 owners?

4 THE WITNESS: Well, he - - he came out
5 of the store with a broom, and he started
6 sweeping along Keefe Avenue, and he swept it onto
7 1st Street. I have seen him around - - around
8 the business before. It's an African-American
9 gentleman.

10 ALDERMAN PUENTE: And that actual
11 sweeping of the debris into the sewer, does it
12 cause the sewers to clog - - clog up and,
13 therefore, not have good drainage?

14 THE WITNESS: Yes. I mean, on both of
15 them. And what I should have did is brought
16 pictures, so you have an opportunity to see the
17 garbage. Because as of yesterday when I left
18 from work to go home, both sewers were piled up
19 with garbage and trash.

20 ALDERMAN PUENTE: Thank you, sir.

21 CHAIRMAN WITKOWIAK: Thank you for your
22 testimony. Next person?

23 ALDERMAN WADE: Mr. Chair.

24 CHAIRMAN WITKOWIAK: Alderman Wade.

25 ALDERMAN WADE: To the owners of the

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1 business. The statement that he just made about
2 someone from your building coming out with a
3 broom sweeping garbage into the - - to the sewer
4 area. Do you dispute that?

5 THE APPLICANT: Say again?

6 ALDERMAN WADE: So you're saying that
7 didn't happen or it doesn't happen or?

8 MR. MUSAITIF: I - - I can't tell what
9 he does, but when he walk out, he have the - -
10 the broom and dust pan and a box. He have all
11 these. Why he have to do it in the sewer?

12 ALDERMAN WADE: Okay. So someone does
13 leave your business and come outside and - - and
14 sweep?

15 THE APPLICANT: All the time if he have
16 anything, we have to go - - My brother, he's the
17 manager over there. He tell him to - - to go
18 sweep and clean up, and a just little comment - -
19 a little comment. Same thing he said about - -
20 about this - - the gentleman. He said the same
21 thing. Just sweep the street. That's the only
22 thing I could say.

23 ALDERMAN WADE: Well, just - - just a
24 small suggestion. The gentleman that comes out
25 and sweeps, you may want to give him some direct

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1 instructions to not clog up the sewers.

2 MR. MUSAITIF: Can I - - Can I say
3 something? I am the only one who do this sweep
4 outside, and - - even the other stuff and put
5 them in the garbage can.

6 ALDERMAN WADE: He's the only one that
7 sweeps.

8 MR. MUSAITIF: I'm the only one doing
9 that outside. Every time there is no cars or
10 nothing, I sweep it outside the sides. I put it
11 - - It's not by the sewers.

12 ALDERMAN WADE: You do understand, you
13 and your - - is that your brother?

14 MR. MUSAITIF: That's my brother.

15 ALDERMAN WADE: You understand you are
16 saying two different things.

17 MR. MUSAITIF: He's not there.

18 THE APPLICANT: He be there - -

19 CHAIRMAN WITKOWIAK: Okay. Sorry.

20 ALDERMAN WADE: You're saying he's not
21 - - he's not there.

22 MR. MUSAITIF: No, I am the one there.
23 That's what I said. I'm the only - - He's the
24 agent but I'm the manager. I am always there.

25 ALDERMAN WADE: Okay. Good enough.

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1 CHAIRMAN WITKOWIAK: Thank you. Is
2 there anyone else here to testify in opposition?
3 Please.

4 Can you raise your right hand? We'll
5 swear you in.

6 (Whereupon the witness was sworn.)

7 CHAIRMAN WITKOWIAK: Name and address
8 for the record, please.

9 THE WITNESS: Jessie R. Greenley. I
10 live at 3425 North 1st Street.

11 CHAIRMAN WITKOWIAK: And how close are
12 you to the establishment?

13 THE WITNESS: I'm about a block away
14 from the establishment along 1st Street, along
15 1st Street frontage of the business.

16 CHAIRMAN WITKOWIAK: Okay. And your
17 testimony, Jessie?

18 THE WITNESS: I have also witnessed,
19 personally witnessed the sweeping of the debris
20 by an African-American male, of the debris along
21 - - from Keefe Avenue along 1st Street.
22 Actually, this morning on the way in, I - - There
23 was no debris along Keefe Avenue, but there was a
24 ton of it along 1st Street. Didn't know why that
25 happened. Didn't know what happened, but it was

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1 there. And it's - - We are consistently picking
2 up paper in our neighborhood. My kids and I,
3 which are three and six, we actually have a daily
4 routine, where we have to walk up and down the
5 block, picking up trash that obviously, my
6 perception is, comes from this store. There's no
7 other store in that close proximity. Bags,
8 paper, bottles, what have you. We actually had a
9 - - a process at one time where we were going to
10 collect this stuff and bring it to the next
11 hearing, but it started piling up so much that we
12 had to stop doing that.

13 But I've also witnessed public
14 urination behind the building. I can see
15 directly behind his building from my front porch,
16 both upper and lower porch. I've seen people
17 standing on the corner where I can't even get by
18 and turn the corner going left - - I'm sorry - -
19 going right on - - on Keefe Avenue, which I
20 frequent going - - going right on Keefe Avenue.

21 The loitering, both kids and adults,
22 the bicycles are often a problem where kids are
23 leaving their bikes outside. And I understand
24 the issue about, you know, one kid has to watch
25 the bike, but this is a constant problem where

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1 people are loitering outside of this building.
2 And since this notice has been sent out for this
3 hearing, we noticed it has ceased, which was
4 surprising. But we've had problems with this.
5 We've come to the owner. I actually came to the
6 owners, also. Daryl Johnson gave me information
7 regarding a facade improvement grant. I
8 personally went into the store and gave it to the
9 owners, but there was no response to that either.
10 We've been dealing with this issue for some time,
11 and we - - I am opposed to their license.

12 CHAIRMAN WITKOWIAK: Okay. Thank you.
13 Questions by members of the committee of this
14 witness?

15 ALDERMAN PUENTE: Mr. Chair.

16 CHAIRMAN WITKOWIAK: Alderman Puente.

17 ALDERMAN PUENTE: All the things you
18 just testified to, when did this all occur? Was
19 it within the last year?

20 THE WITNESS: This has been constant.

21 You mean, the urination and the - -

22 ALDERMAN PUENTE: Yeah, the urination,
23 the littering, the loitering?

24 THE WITNESS: Within the last year,
25 yes.

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1 ALDERMAN PUENTE: Thank you.

2 CHAIRMAN WITKOWIAK: Questions? Any
3 more questions by members of the committee? Do
4 you have any question of this witness?

5 MR. MUSAITIF: This is - - This is a
6 big building. I have a big lot. And there's a
7 small park next to it on Keefe. It is here.
8 Over there. I just - - My question if somebody
9 urinate on the building, so I don't see them
10 inside the store. My question, what can I do
11 against this? How can I see him? That's - -

12 CHAIRMAN WITKOWIAK: I understand that.
13 And then let me ask the - - the - - Jessie, let
14 me ask you. Did you ever see somebody actually
15 come out of the store and then go and urinate or
16 somebody that comes out of the store, stands in
17 front of it for a while, and then goes and
18 urinates. Do you - - Have you seen that?

19 THE WITNESS: I've seen people that are
20 standing on the - - where I can see from my home,
21 from the 1st Street side on the corner coming
22 from the front of the building to behind the
23 building, urinating, and then going back to the
24 front of the building. I have personally seen
25 that.

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1 CHAIRMAN WITKOWIAK: So it's like the
2 loiterers?

3 THE WITNESS: The loiterers, correct.

4 CHAIRMAN WITKOWIAK: Okay.

5 THE WITNESS: And sometimes you can't
6 even get - - turn right on Keefe, because people
7 are crossing the street. They're standing on
8 that corner. They're staring you down. All
9 those kind of issues, and they're - - they're
10 just - - They're standing there. They're not
11 moving. They're not trying to cross the street.
12 They're not going into the store. They're not
13 coming out of the store, going on their way.
14 They're just there.

15 CHAIRMAN WITKOWIAK: Okay. Thank you.

16 ALDERMAN WADE: Mr. Chair.

17 CHAIRMAN WITKOWIAK: Alderman Wade.

18 ALDERMAN WADE: Mr. Greenley, is it - -
19 is it general loitering that you've seen, or do
20 you notice any other type of activity, maybe
21 illegal activity, maybe drug trafficking going
22 on, or cars pulling up and pulling away, or is it
23 just general loitering?

24 THE WITNESS: Well, there are cars
25 pulling up and pulling away. And I'm just

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1 assuming they're going in the store to buy their
2 goods and coming out, what have you. I haven't
3 seen any transactions, personally. I, you know,
4 assume that that could be happening. I'm
5 thinking they, last year, too, there may have
6 been some - - some drug buys or busts there. I'm
7 not sure. But we have complained about that as
8 being a concern of ours, but I haven't personally
9 seen it.

10 ALDERMAN WADE: Thank you.

11 CHAIRMAN WITKOWIAK: Any other
12 questions by members of the committee? Thank you
13 for your testimony. Anyone else here to testify
14 in opposition? Name and address for the record,
15 please?

16 THE WITNESS: My name is Anna Hill. I
17 live at 3306 North 2nd Street since 1971.

18 CHAIRMAN WITKOWIAK: And - - And how
19 close is that to this location?

20 THE WITNESS: Well, 3300 North 2nd
21 would be probably about six to - - probably five
22 to six blocks.

23 CHAIRMAN WITKOWIAK: Five to six
24 blocks. And your testimony, Anna?

25 THE WITNESS: My testimony is for many

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1 years I've lived in the neighborhood, and for the
2 last couple of years that I've passed through
3 that particular area, which I do at least twice a
4 day. And now that I'm retired, it's even more
5 often. And there's times when there's cars
6 that's pulled up at that particular store where
7 you can't even pass down Keefe Avenue at a decent
8 rate of speed or able to just pass through
9 smoothly without cars being pulled up all of a
10 sudden right in front of you to that store, and
11 there's a phone booth, if I make any mistake,
12 right there by that store. I'm sure that's where
13 it is. And I've seen people jump out of cars, go
14 to that phone booth, somebody else show up.
15 Because I sit and watch things. Been in that
16 neighborhood a long time. Watch everything. And
17 cars pull up. People do certain things. They
18 get back in their cars. They leave. People get
19 on the phone. They get back in their cars. So
20 there's something not right.

21 I also work with limited income young
22 women. Have done it for years. They go to this
23 store. They buy cigarettes individually. They
24 buy Pampers individually. That is illegal. They
25 use food - - food stamp cards. And now that the

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1 government has cracked down, some of that has
2 stopped. But I work with these young women in
3 the neighborhood, so I know what I'm talking
4 about. Because I've gotten on their cases about
5 going to these stores, and that kind of thing
6 attributes to poverty in the neighborhood. It is
7 not helping the community. It's attributing to
8 poverty. Our children go there. The stuff is
9 overpriced. It is not supposed to be sold on
10 individual sales basis, and our children are
11 buying it. Go to Sam's Club. Clearly on the
12 label, not for individual sales. It is being
13 sold as an individual item. I know what I'm
14 talking about. So that's what I have to say.

15 CHAIRMAN WITKOWIAK: Okay. Thank you.

16 ALDERMAN WADE: Mr. Chair.

17 CHAIRMAN WITKOWIAK: Alderman Wade.

18 Oh, stay - - We have some questions for you.
19 Wait.

20 ALDERMAN WADE: To this gentleman here.
21 Do you deny any of that? Do you sell individual
22 items? Do you sell individual cigarettes? Do
23 you open up Pampers and chips that are not
24 supposed to be sold as individual items and sell
25 them as individual items?

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1 MR. MUSAITIF: No. None of them. Dia
2 - - Diapers come three in a pack. They open up
3 to sell like it.
4 ALDERMAN WADE: So the diapers come
5 three in a pack?
6 MR. MUSAITIF: This comes, yes, three
7 in a pack.
8 ALDERMAN WADE: And you sell the whole
9 pack?
10 MR. MUSAITIF: Yes, the pack.
11 ALDERMAN WADE: No individual.
12 MR. MUSAITIF: Those ones, I've got a
13 price - -
14 ALDERMAN WADE: And you don't do that
15 with the cigarettes, either?
16 MR. MUSAITIF: No.
17 ALDERMAN WADE: Okay. Thank you.
18 THE WITNESS: The cigarettes are 50
19 cents apiece.
20 CHAIRMAN WITKOWIAK: But, ma'am, just
21 - - just stay up there for - - for a minute. Any
22 other questions by members of the committee of
23 this witness?
24 ALDERMAN PUENTE: Mr. Chair.
25 CHAIRMAN WITKOWIAK: Yes.

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1 ALDERMAN PUENTE: First of all,
2 regarding Alderman Wade's question. In the
3 police report in item number one dated 1/8/05 it
4 also says that there was no - - officers noted
5 numerous snack items for individual sale that
6 were not meant for individual sale. I'll leave
7 that as a comment, not a question. A question
8 for the lady. The things that you just testified
9 to, can you give me the time period on that? Was
10 that within the last year?

11 THE WITNESS: That's within the last
12 couple of months.

13 ALDERMAN PUENTE: Thank you very much.

14 CHAIRMAN WITKOWIAK: Thank you. Any
15 other questions of this witness? Next person to
16 testify in opposition? Name and address for the
17 record, please?

18 THE WITNESS: My name is Charles Etta
19 Thompson. I live at 3357 North Palmer, which is
20 about four - - four and a half blocks away. I've
21 been living there since 1967, so I do know the
22 neighborhood.

23 CHAIRMAN WITKOWIAK: Your testimony,
24 please.

25 THE WITNESS: My testimony is that when

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1 I pass there, I feel unsafe. I'm one of the
2 seniors. I do not drive, so I walk past there
3 quite frequently. And I have to go on the other
4 side of the street because of fear, and also
5 because people are on the sidewalks sometimes
6 even. Like the - - one of the other speakers
7 said. Sometimes there's only three people, but
8 then sometimes there's a lot of people, and
9 they're on those bicycles. Not the high
10 bicycles, but the low bicycles, and they're
11 sitting there just having conversation. So it
12 appears to me - - I don't go in there. I haven't
13 been in there for years, because you feel like
14 you can't get in the door, where it's not a place
15 for you, because all of these people are - -
16 young people are hanging out. Some of them
17 appear to be school age. Some of them appear to
18 be older. I'm concerned about that, too. Older
19 people sitting there like they're having part,
20 you know, they're part - - you know, pals with
21 the young people. So I don't know exactly all
22 what's going on, but I know there's something
23 that's not going on right. And a lot of this has
24 happened in the last year, but there's been
25 things that happened in years past, because I've

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1 worked in the community, and I've worked for
2 community agencies, and we've been on them for
3 years. So it's not like something that all of a
4 sudden has just happened this year. It's been
5 constant, things going on. And I think it's bad
6 for our young people to see this and to feel like
7 this is what has to happen, you know. It - -
8 It's the appearance that it gives that we have a
9 neighborhood where everybody just loiters and
10 hangs around and nobody goes to school. This is
11 giving appearance to the other young people, too,
12 like the Pastor said. So we don't want that in
13 our community.

14 CHAIRMAN WITKOWIAK: Thank you.

15 Questions by members of the committee?

16 ALDERMAN PUENTE: Mr. Chair.

17 CHAIRMAN WITKOWIAK: Alderman Puente.

18 ALDERMAN PUENTE: The things you
19 testified to, as the loitering and littering and
20 stuff, when did you witness that? Was that all
21 within the last year?

22 THE WITNESS: It was within the last
23 year, but before that, too. As I said, I worked
24 - - lived in the community, worked in the
25 community. So we've had problems with Sunshine

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1 Foods before.
2 ALDERMAN PUENTE: So it's an ongoing
3 problem.
4 THE WITNESS: It's an ongoing problem.
5 ALDERMAN PUENTE: Thank you.
6 CHAIRMAN WITKOWIAK: Do you - - Hang on
7 a second. Do you have any questions of this
8 witness?
9 THE APPLICANT: A comment, may I say
10 something?
11 CHAIRMAN WITKOWIAK: No.
12 ALDERMAN WADE: Mr. Chair.
13 CHAIRMAN WITKOWIAK: Alderman Wade.
14 ALDERMAN WADE: I got a - - a different
15 kind of request that I'd like to - - with your
16 permission to ask, just as a group, because I
17 don't want to ask everybody individually. As the
18 group of the people - - the group of people who
19 come up here, has anybody in the group ever
20 witnessed the sale of individual items or
21 cigarettes at that store? Anybody out of the
22 group? Any - - Could you raise your hand if you
23 have witnessed that?
24 CHAIRMAN WITKOWIAK: Could - - Could
25 you come up and just make that part of the

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1 testimony? Give us a date or an approximate date
2 and what you saw? Your - - And your name, again,
3 for the record?

4 THE WITNESS: Jessie Greenley.

5 When I - -

6 CHAIRMAN WITKOWIAK: Okay. Approximate
7 date and what you saw?

8 THE WITNESS: It was within the last
9 year. That was during the time that I dropped
10 the facade grant application off to the owners or
11 the manager, and I was in there giving him an
12 application and talking to him about the program
13 and product that was offered. And at that time
14 someone came in and bought an individual
15 cigarette.

16 CHAIRMAN WITKOWIAK: Okay. Thank you.

17 THE WITNESS: And that's been within
18 the last year.

19 CHAIRMAN WITKOWIAK: Okay. Thank you.

20 And, Ms. Hill, I believe you testified to that in
21 - - in your testimony, that you have seen it. Is
22 that correct?

23 THE WITNESS: I think I heard you say
24 that someone in the neighborhood went in to the
25 store. I found out that what she did is went in

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1 and purchased an individual item.

2 CHAIRMAN WITKOWIAK: Okay.

3 ALDERMAN WADE: Thank you, Mr. Chair.

4 CHAIRMAN WITKOWIAK: Anyone else here
5 to testify in opposition? Is there anyone here
6 to testify in support? Okay. Let the records
7 show no one acknowledges.

8 MR. SCHRIMPF: Mr. Chairman.

9 CHAIRMAN WITKOWIAK: Mr. Schrimpf.

10 MR. SCHRIMPF: Just on the issue of the
11 individual cigarettes. I - - I want to remind
12 the committee that to the extent that would be a
13 violation of the law, and I believe it is, that
14 is a matter which is handled one, by the Health
15 Department, and secondly, by the Department of
16 Revenue. And insofar as these licensees would
17 have a license to sell cigarettes, which they
18 must have, that is something that can be dealt
19 with only by the Department of Revenue dealing
20 with the cigarette license issue. I just want to
21 call that to your attention.

22 CHAIRMAN WITKOWIAK: Can we consider
23 this in - - Can we consider this in part of - -
24 as part of making our decision today?

25 MR. SCHRIMPF: I think you probably

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1 could, but I just want to caution you that there
2 is another avenue regarding the issue. It's a
3 separately licensed matter, and it's a matter
4 which is dealt with by the Department of Revenue
5 and not by municipalities.

6 ALDERMAN WADE: Mr. Chair.

7 CHAIRMAN WITKOWIAK: Alderman - -
8 Alderman Wade.

9 ALDERMAN WADE: Yeah, I just want to
10 just - - My - - My question - - questioning along
11 those lines is not to - - to - - to penalize them
12 for it. It's just to get to the consistency of
13 the story and the truth of the matter. It's
14 stated right here in the police record that they
15 sell individual items. He's stating that they
16 don't. He's stating that he don't sell
17 cigarettes, and you got people in here that have
18 witnessed that go on. So my - - my questioning
19 is for the truth and the legitimacy of what's
20 being said, not to penalize him for selling the
21 cigarettes.

22 MR. SCHRIMPF: Well, I'm only - - I'm
23 only pointing out that insofar as this is a Class
24 "A" malt renewal, the whole issue within
25 individual sales of cigarettes might be more

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1 appropriately handled by dealing with a separate
2 license.

3 CHAIRMAN WITKOWIAK: But - - Mr.
4 Schrimpf, it's part of the police report. It
5 comes up as - -

6 MR. SCHRIMPF: Individual - -
7 CHAIRMAN WITKOWIAK: Comes up in item
8 number one of the - - the police report.

9 MR. SCHRIMPF: But I don't believe it
10 specifically references cigarettes. It
11 references a number of things.

12 CHAIRMAN WITKOWIAK: Well, so now
13 there's a legal technicality is whether you
14 consider a cigarette a snack item or not.

15 MR. SCHRIMPF: Well, I don't - - I
16 don't believe a cigarette is a snack item.

17 CHAIRMAN WITKOWIAK: Okay. All right.

18 ALDERMAN PUENTE: Mr. Chair.

19 CHAIRMAN WITKOWIAK: Alderman Puente.

20 ALDERMAN PUENTE: I think it's part of
21 the notice though, which states it's detrimental
22 to the health, safety and welfare of the
23 neighborhood.

24 CHAIRMAN WITKOWIAK: Okay. Thank you.

25 THE APPLICANT: May I comment?

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1 CHAIRMAN WITKOWIAK: I'll give you a
2 chance to do your closing statement before we
3 take this matter into committee. Alderman McGee.

4 ALDERMAN MCGEE: Yes, thank you, Mr.
5 Chair and committee members. I would like to
6 first say that I'm - - I'm proud of the
7 constituents that live in the area of 1st and
8 Keefe, and also, 3rd and Keefe. They have been
9 battling before I was born and some of the
10 committee members were born with the neighborhood
11 as far as the influence of irresponsible
12 businesses. And upon my inauguration in office,
13 one of the top ten items I would say that I was
14 notified about by the constituency, and in
15 particular, the Cluster 2 area, the - - the
16 organization there, Cluster 2, is that 1st Street
17 and 3rd Street, those two stores are a nuisance.

18 There is a lot of terrorism going on in
19 the neighborhood with the youth leaders in the
20 area. They are terrorizing and intimidating a
21 lot of store owners. And I went over there,
22 personally, on quite a few occasions, and I
23 talked to the agents here, and also to the other
24 store, and - - and I told them, especially single
25 sales of cigarettes couldn't be tolerated, and

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1 also, those items. And I know that this is a
2 separate issue, and I want to make sure that the
3 Health Department understands those objections
4 for this store in particular, Sunshine Foods,
5 their seller's permit. Because I know those
6 seller's permits come up at a separate issue, I
7 think later on this month. But prayfully, there
8 is time for constituents to come in and weigh in
9 on - - on their food and seller's permit, also.

10 But I - - I just really know for a fact
11 that there is serious concerns and issues in the
12 neighborhood in relates - - relation to
13 loitering, the nuisance behavior, selling alcohol
14 to minors, young people skipping school, and they
15 are actually are organized to the point of the
16 Fifth District not being able to really saturate
17 the area and be effective. And they're hiding
18 out in these stores. That's just the truth.
19 There's two stores, in particular, Sunshine Foods
20 is - - it's not really a sunshine type of
21 location. And it's - - it's not providing any
22 light for the area. It's - - It's actually a
23 nuisance in the area, and that's just the truth
24 of the matter, and these store owners have to be
25 held accountable.

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1 This applicant, in particular, you
2 know, I'm just going to tell you some of the
3 things that - - and it's hearsay, but it's - -
4 it's things that I'm hearing that's disturbing
5 even to hear this. But the young people that are
6 the youth leaders in the area have, you know,
7 rituals, religious services at this store, you
8 know, Sundays. They utilize the building. You
9 know, things - - If you're hearing things like
10 that, it's just amazing. But I have acknowledged
11 and actually asked the Fifth District Police
12 Captain to look into the nuisances between that
13 store and another store. And you will hear,
14 because the other store doesn't have a license,
15 but they have a full seller's permit that has
16 objections, and the same residents that are very
17 active in the neighborhood, they going to come
18 forth and - - and object to that license. But
19 there has to be some penalty for the reckless
20 behavior of the business owners at this location,
21 because they've gotten away with this for quite a
22 while. And - - And they've gotten away because
23 they've never been caught other than the time
24 that you do see now selling those cig - - single
25 cigarettes. But you have to imagine that alcohol

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1 and underage sales to minors are taking place,
2 also. So we just really - - I just believe that
3 having a liquor license is a privilege, and we
4 need to find business owners in the community who
5 - - who really take that seriously and are
6 leaders and not intimidated by their customers to
7 the point of where they let the customers take
8 over and run the store. And that's what's really
9 going on at this location.

10 MR. SCHRIMPF: Mr. Chairman.

11 CHAIRMAN WITKOWIAK: Mr. Schrimpf.

12 MR. SCHRIMPF: I - - I feel it
13 necessary to give a bit of a curative instruction
14 here. There's been no evidence and no testimony
15 of underage sales of alcohol in this record. And
16 the supposition of the neighbors or the Alderman
17 regarding that is not evidenced and cannot be
18 used by the committee for purposes of this
19 decision.

20 CHAIRMAN WITKOWIAK: You have something
21 to say in closing? Make a closing statement?

22 THE APPLICANT: My comment is with my
23 respect to McGee. I never met him. Only I saw
24 him on TV. And the only thing is every time I
25 pass by whether going to the store or going to

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1 that area, Love's Liquor is only four blocks away
2 from our - - from our location. And there is
3 cars in the parking lot, loitering, and people
4 loitering. I - - That's just something come to
5 my attention when he said that's the only store.
6 That's one of them. And there's another one on -
7 - another liquor store on North Port Washington,
8 I think, Martin Luther King Drive. The same way
9 I see. Even a gas station, doesn't sell beer,
10 doesn't sell alcohol. There's loitering inside,
11 the parking lot. And that's in the same
12 location. But if you look at the whole city all
13 around from south to - - to east, to north - -
14 the north side, it's happening. We have no
15 control for somebody just come to the store and
16 buy something.

17 And the second comment is about the
18 chips we sell individually, which is from Sam's
19 Club. The only chips - - We don't have any chips
20 from Sam's Club, period. The only chips is
21 coming from Frito Lay, Jay's or other - - other
22 companies.

23 And third thing, is my respect to
24 Alderman Wade, he said they never admit to - - to
25 a label snacks or whatever. The thing is I say,

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1 which is quoted, I said before, I said, there are
2 some customers always Little Debbie, all over - -
3 Little Debbie has been certain individuals.
4 Health Department never say anything about it.
5 The police came just, you know, about - - about
6 these things. And we don't have it. Plus,
7 Little Debbie, called the Health Department and
8 they said, that's - - and my opinion. That's
9 what he told me. Little Debbie said I call the
10 Health Department. They said it's not illegal,
11 because they have the paper with the ingredients.
12 So that's all I know.

13 ALDERMAN WADE: Mr. Chair.

14 CHAIRMAN WITKOWIAK: Alderman Wade.

15 ALDERMAN WADE: I just want to ask
16 Attorney Schrimpf, the - - the comment that you
17 made about the - - the underage sales. Were you
18 taking number two on the police record into
19 consideration?

20 ALDERMAN BOHL: That's a different
21 location.

22 MR. SCHRIMPF: Well - -

23 ALDERMAN WADE: Oh, it's a different
24 location. Okay. It's a different location.
25 Okay. All right.

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1 MR. SCHRIMPF: And on top of that, it
2 is only one, and you need two convictions for the
3 year - -

4 ALDERMAN WADE: Yeah, I understand
5 that. But it is a different location, so I'm - -

6 MR. SCHRIMPF: - - for the location.

7 ALDERMAN WADE: I'm straight.

8 CHAIRMAN WITKOWIAK: Do you have
9 something to add before we take this into
10 committee?

11 MR. MUSAITIF: I want to go back to
12 about a year and a half ago when the police came
13 and they talk about the snacks with sales. And
14 since then, we ask the company to bring
15 everything there but priced. Every single one.
16 And I know some locations in stores it's - -
17 they're selling this, and nobody bothers them.
18 The question is, we changed. If we know
19 something that for cleaning, we will clean. For
20 loitering, we don't let nobody loitering. For
21 the sales, individual, we're going to have
22 nothing since then. We ask the Little Debbie
23 man. For the cleaning, we clean every day
24 outside and inside. We are good citizens. I've
25 been there this location seven years. We - - A

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1 lot of times they send some underage people,
2 twice something, and they sent us some - - some
3 consideration. I think it was from Subway,
4 because we don't sell it. We don't - - We don't
5 even do that. We try to cooperate with the
6 neighborhood. Like to keep the store clean,
7 outside clean. All these problem, I'm not aware.
8 Somebody just throw papers outside or bring from
9 - - anywheres. A lot of these witnesses have
10 lived three - four blocks away, and they not even
11 witnessed that. They might - - Best from they'll
12 see one - - one customer outside, by somebody's
13 on the phone that she see, or somebody buy and
14 go. I don't see no problem with this. This is
15 all stores are like this. People come in and buy
16 and go. But we never have more than one - two
17 cars outside, except our car. Always, like I
18 say, the first thing to be salted and shoveled
19 the snow, we do it. The grass is always cut over
20 there. And there's no garbage around the whole
21 building, even by the park where kids be playing.
22 I'll go clean myself. I'm putting garbage can.
23 So - -

24 CHAIRMAN WITKOWIAK: Thank you. This -
25 - Alderman McGee?

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1 ALDERMAN MCGEE: Just a question for
2 him, the agent. I have - - want to ask you, have
3 you ever been assaulted or hit by any of the
4 customers in the neighborhood?
5 MR. MUSAITIF: The what?
6 ALDERMAN MCGEE: Have any of the
7 customers ever hit you before?
8 MR. MUSAITIF: Hitting what?
9 ALDERMAN MCGEE: They's hit you with
10 their hands or assaulted you physically?
11 MR. MUSAITIF: No.
12 ALDERMAN MCGEE: Never been threatened
13 by anybody in the neighborhood?
14 THE APPLICANT: That - - That happens
15 anywhere, you know. It's be happening anywhere.
16 ALDERMAN MCGEE: I'm just asking about
17 your application, not everywhere else. Has it
18 ever happened?
19 THE APPLICANT: What do you mean?
20 ALDERMAN MCGEE: That some customers,
21 have they ever come in and tried to intimidate
22 you and make you open the store up to them or
23 have they ever struck you? Have they - - Have
24 you ever been hit by a customer?
25 MR. MUSAITIF: I don't understand the

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1 question.
2 ALDERMAN MCGEE: Has a customer ever
3 taken his fist and hit you in the head?
4 MR. MUSAITIF: No.
5 ALDERMAN MCGEE: That's it.
6 CHAIRMAN WITKOWIAK: This matter's in
7 committee.
8 ALDERMAN BOHL: Mr. Chairman.
9 CHAIRMAN WITKOWIAK: Alderman Bohl.
10 ALDERMAN BOHL: Mr. Chairman, I - - I
11 just want to say a couple things to these
12 gentlemen. Gentlemen, briefly, stop making
13 excuses. You have an excuse for everything, and
14 I'm sitting here the whole time, and it's wearing
15 thin. You know, you're skating around in a
16 circle. Do you know what happens when you skate
17 in a circle over and over again? The ice gets
18 thinner and thinner and thinner. That's what was
19 happening.
20 Get rid of the pay phone. Do you have
21 a pay phone? Get rid of it.
22 MR. MUSAITIF: I will.
23 ALDERMAN BOHL: No good.
24 MR. MUSAITIF: I will.
25 ALDERMAN BOHL: There's no use for it.

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1 MR. MUSAITIF: I will.

2 ALDERMAN BOHL: Get some cameras

3 outside.

4 MR. MUSAITIF: I will.

5 ALDERMAN BOHL: Stop selling items
6 single open - - opening and selling them single
7 items.

8 MR. MUSAITIF: Yes, sir.

9 ALDERMAN BOHL: Get in contact with the
10 business association, work with them. It - - Mr.
11 Chairman, I think that - - that there was good
12 testimony here. I believe it may be a little bit
13 too far to take the license away totally. I will
14 move for renewal of the - - of the license with a
15 90 day suspension, based on matters contained - -
16 or based on matters contained in the police
17 report and - - and neighborhood testimony.

18 CHAIRMAN WITKOWIAK: Motion by Alderman
19 Bohl is to recommend renewal of this application
20 with a 90 day suspension, based on neighborhood
21 testimony and items contained in the police
22 report. Discussion on the motion?

23 I will not support the motion. I think
24 there is significant - - there is significant
25 testimony to nonrenew. Any other discussion on

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1 the motion?
2 ALDERMAN WADE: I wish I had a crystal
3 ball.
4 CHAIRMAN WITKOWIAK: Let's take - -
5 take a roll.
6 MS. ELMER: Alderman Bohl?
7 ALDERMAN BOHL: Aye.
8 MS. ELMER: Alderman Puente?
9 ALDERMAN PUENTE: Aye.
10 MS. ELMER: Alderman Wade?
11 ALDERMAN WADE: Aye.
12 MS. ELMER: Alderman Dudzik?
13 ALDERMAN DUDZIK: No.
14 MS. ELMER: No?
15 Mr. Chair?
16 COURT REPORTER: Is he voting or is he
17 nodding?
18 MS. ELMER: Are you saying no? Oh,
19 you're not. You're abstaining.
20 ALDERMAN PUENTE: He's abstaining.
21 MS. ELMER: Mr. Chair.
22 CHAIRMAN WITKOWIAK: No.
23 MS. ELMER: Three ayes, one abstain,
24 one no.
25 MR. SCHRIMPF: Mr. Musaitif, the

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1 committee is going to be doing findings of fact
2 and conclusions of law, recommending renewal of
3 your Class "A" malt license with a 90 day
4 suspension. You will receive a copy of the
5 committee report making that recommendation, and
6 you'll have an opportunity to submit written
7 objections to that report. If you submit written
8 objections to that report, and there's a letter
9 explaining how you have to do this, you have to
10 file them with the office of the City Clerk by
11 4:45 p.m. on June 15th, 2006. If you make such
12 written objections, then you'll also have the
13 right to appear before the Milwaukee Common
14 Council when it meets on this matter on June
15 20th, 2006 in the Common Council Chambers of this
16 building, which is the same floor, but the
17 opposite end at approximately nine - - nine a.m.
18 Do you understand all that? Okay.

19 CHAIRMAN WITKOWIAK: Thank you. Thank
20 everyone for coming down here and testifying on
21 this matter today.

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3 STATE OF WISCONSIN)

4 MILWAUKEE COUNTY)

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JEAN M. BARINA - COURT REPORTER

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Dated this day of June, 2006

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