

Date: January 7, 2011

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the application for a Food Dealer's License for Eyad S. Abdalla Agent for Home Town Foods, LLC, for the premise located at 4431 West North Avenue ("Home Town Foods").

FINDINGS OF FACT

1. Eyad S. Abdalla (hereinafter the "Applicant") has applied for a Food Dealer's License for the premises located at 4431 West North Avenue in the City and County of Milwaukee, Wisconsin ("Home Town Foods").
2. The application for a Food Dealer's License in the name of Eyad S. Abdalla was filed with the Milwaukee Health Department. The local Common Council member objected to the issuance of that license based upon objections of the neighborhood and that the proposed operation of the premises in such a manner that it creates a public nuisance and the premises will tend to contribute to neighborhood incidents and conditions identified in s. 68-4-11-g of the Milwaukee Code of Ordinances.
3. On December 22, 2010 the City Clerk's Office provided timely notice to the Licensee pursuant to Chapter 90. The matter was scheduled for a hearing on January 5, 2011, commencing at 8:00 a.m. in Room 301B of City Hall. At said date, time and place, the licensee did appear and he was represented by Attorney Othman M. Atta, 3927 East Layton Avenue, Milwaukee, Wisconsin.
4. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds that the proposed operation of the premise may result in neighborhood nuisances as identified in s. 68-4-11, MCO

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 68 of the Milwaukee Code of Ordinances.
2. Based on the above facts found, the Committee concludes that the Licensee, Eyad S. Abdalla has not met the criteria of Chapter 68 of the Milwaukee Code of Ordinances to allow the issuance of a Food Dealer License based upon neighborhood objections and prospective problem location.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council should exercise its discretion to not grant a Food Dealer License to Eyad S. Abdalla, for the premises at 4431 West North Avenue ("Home Town Foods").

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes and one (1) excused, recommends that the Food Dealer License application of Eyad S. Abdalla for the premises at 4431 West North Avenue ("Home Town Foods") be denied based upon neighborhood objections and prospective problem location.

Dated and signed at Milwaukee, Wisconsin this 7th day of January, 2011.

JAMES A. BOHL, Jr., Chair
Licenses Committee