

**COMMITTEE ASSIGNMENTS**

**CHAIR**

- Licenses Committee

**VICE CHAIR**

- Zoning, Neighborhoods and Development



**MEMBER**

- Finance and Personnel Committee
- Library Board
- Neighborhood Improvement Development Corporation Board
- Special Joint Committee on the Redevelopment of Abandoned and Foreclosed Homes
- Steering and Rules Committee
- Wisconsin Center District Board

**MILELE A. COGGS**  
ALDERWOMAN, 6TH DISTRICT

November 13, 2020

To the Honorable, the Common Council

Honorable Members:

Common Council File Number 200912 contains the following recommendations:

Nonrenewal, based upon police, neighborhood, applicant, and aldermanic testimony of the Food Dealer and Weights & Measures licenses for Lonnie McCaffety for the premises located at 930 N 27th St. ("Family Dollar #26182") in the 4th aldermanic district.

Respectfully,

A handwritten signature in black ink that reads "Milele A. Coggs".

Milele Coggs, Chair  
Licenses Committee

cc: All Council Members  
File 200912



## **COMMITTEE ASSIGNMENTS**

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**MILELE A. COGGS**  
ALDERWOMAN, 6TH DISTRICT

### **MEMBER**

- Finance and Personnel Committee
- Library Board
- Neighborhood Improvement Development Corporation Board
- Special Joint Committee on the Redevelopment of Abandoned and Foreclosed Homes
- Steering and Rules Committee
- Wisconsin Center District Board

Date: May 15, 2020

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Lonnie W. McCaffety, Agent for Family Dollar Stores of Wisconsin LLC, for Food Dealer and Weights & Measures licenses for the premises located at 930 North 27th Street in the City and County of Milwaukee, Wisconsin ("Family Dollar").

### **FINDINGS OF FACT**

1. Lonnie W. McCaffety (hereinafter the "Licensee") is the holder of Food Dealer and Weights & Measures licenses for the premises located at 930 North 27th Street in the City and County of Milwaukee, Wisconsin ("Family Dollar"). Said licenses expire at midnight, May 1, 2020.
2. An application to renew said licenses was filed with the Office of the City Clerk on February 19, 2020.
3. Pursuant to Chapters 68, 82, and 85 of the Milwaukee Code of Ordinances, the matter was referred to the Milwaukee Police Department for investigation.
4. On April 29, 2020, the City Clerk's Office provided notice to the Licensee pursuant to Chapters 68, 82, and 85 of the Milwaukee Code of Ordinances of the police report and neighborhood objections and included a copy of the police report. The matter was scheduled for a hearing on the police report and neighborhood objections on May 12, 2020, at 2:00 p.m. in Room 301B of the third floor of City Hall. At said date, time and place, the Licensee appeared and was represented by Attorney Josh Gimbel at the hearing and admitted receipt of the notice of hearing.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
  - A. Attorney Josh Gimbel stated the premises have tried to cut down on the loitering activities. He added that this location is difficult and they have had



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issues with employment, turnover, and ability to keep a manager. He stated this is an important business for the neighborhood and the premises are serving an important purpose in this COVID-19 times. He added that Alderman Bauman has a bias against this national chain and he is giving this store a death sentence. He stated that now the neighbors won't have a choice about where to shop. He added that the corporation does care about this store. He stated that this is an essential business in the neighborhood. He added that the managers will do everything in their power to immediately address the concerns and bring them to the attention of corporate headquarters.

- B. Harry Susman stated he is the district manager, he oversees 11 stores and is aware of the past issues. He added that he has reached out to the Near West Side Partners via email and met with Alderman Bauman during a neighborhood walk. He stated that he has reached out to corporate about the issues and is willing to have weekly meetings. He added that they restriped the parking lot, installed new coolers and freezers, installed a brick facade to abate loitering issues, and employ a full-time armed security guard. He stated that he has tried to hire residents but it has been hard. He added that he hears from the community how vital the premises is. He stated that he wants to get to the root cause of the issues and find sustainable solutions. He added that there can be daily maintenance and trash clean-up of the parking lot 3-4 times a day. He stated that with loitering, security tries to get patrons to move along, but sometimes they become combative. He added 8 months ago Alderman Bauman expressed to him his frustrations with the premises.
- C. Denelle Gordon stated she is the new regional manager and has been to the premises. She added that this premises is a valuable location to the neighborhood and they just added new coolers to the premises. She stated they will address the issues with the building to the best of their ability because they do not own the premises, but they can update the lighting and security services. She added that this location is the second highest SNAP benefit store in the company, and residents need to purchase products to service their home needs. She stated that she has been with the company for 7 years and she is here to stay. She added that she is at the premises a half day to full day once every two weeks.
- D. Mindy Yoho stated she was the previous manager at the 13th St & Oklahoma Avenue. She stated she ran a clean building and wants to bring her skills to this location, and hire good quality people.

*Individual also present:*

- E. Alderman Bauman stated the store manager should be present to address these issues. He added that this corporation could care less about this store and they would never know they lost this store. He stated there is fighting, shoplifting, loitering, littering, drug dealing, and other nuisance activities. He added that his neighbors and his wife shop at this premises. Ald. Bauman noted that this same location was called in for a hearing last year about the exact same issues of loitering, fighting, panhandling, etc., and a plan was presented and accepted to abate the nuisance. He observed that it has been a full calendar year later and the exact same problems are still happening with the same frequency. He added that the lack of management leads to the issues in at the premises. He recommends nonrenewal for the benefit of the community. Ald. Baumann noted that there is a similar store across the street, though slightly smaller and under local management. He noted that the store across the street does not have the problems that the Family Dollar has. He observed that the owner of the local store is constantly on the premises, and the citizens nearby would not be negatively affected by the loss of the Family Dollar.

*Individuals present in opposition:*

- F. Keith Stanley - Near West Side Partners stated there is value in this business for the neighborhood, however there have been constant issues with facade, landscaping, litter, lighting, management, and security. He added that there are also broken windows, graffiti, trash, and lack of maintenance of the parking lot and landscaping. He stated they are not as responsive to neighborhood concerns, and the premises have been a blight to 27th Street. He stated there is constant loitering at the premises. He added that he has received calls from residents regarding fighting in the store and poor security response. He stated that he is objecting to this renewal because of the management of the store. He added that there is no social distancing occurring at the premises. He stated that this is the main area of loitering in the 900 block of 27<sup>th</sup> Street.
- G. Bobby McQuay - Near West Side Partners stated he has checked in on the premises 10-15 times in the last year to make purchases and check out the store. He added that he has safety concerns for residents shopping at the premises because it does not seem that management has a handle on activities at the premises. He stated that he has asked employees to take out the trash and clean up the litter in the parking lot. He added that he has been told by employees that they cannot clean up the parking lot. He stated that he is not sure who the manager is from one month to the next. He added that he is concerned about employees fighting patrons in the store. He stated that he does not think the management cares about the safety of the people shopping at the premises. He added that there are people hanging out in the parking lot

and security guards talking with patrons outside the store for long periods of time.

- H. Milwaukee Police Department Captain Jeffrey Norman stated there are issues relating to loitering and upkeep of the premises. He added the premises became a nuisance property in August 2019. He stated there are issues with consistency of the management of the premises. He added that a lot of his resources are being used to intervene in fights, chronic loitering, and shoplifting activities. He stated that he is in support of a heavy suspension or nonrenewal. He added that communication with the district has been a challenge and the parking lot is not being maintained. He stated that a big issue is that there are more cameras outside than inside.
- I. Alderwoman Lewis stated there is always the same type of issues at these locations and the premises is beneficial to the company. She added that this should be a good, healthy, and safe environment for customers, but there have only been changes in leadership.
- J. Alderman Borkowski stated management is taking this store for granted, and they should be having weekly meetings with Alderman Bauman, Captain Norman, and Near West Side Partners.
- K. Alderman Kovac stated last year the Committee was told the landscaping, loitering, and littering would improve, and nothing has changed. He added that these issues have been effecting the neighborhood on a daily basis and there is a lack of accountability.
- L. Alderman Kovac moved nonrenewal based on applicant, neighborhood, aldermanic, and police testimony. (Prevailed 4-1, Ald. Coggs voting no)

## CONCLUSIONS OF LAW

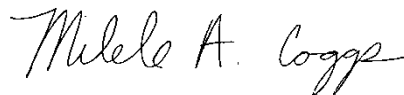
1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapters 68, 82 and 85 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Lonnie W. McCaffety who holds Food Dealer and Weights & Measures licenses for the premise located at 930 North 27th Street in the City and County of Milwaukee, Wisconsin ("Family Dollar") has not met the criteria of Chapters 68, 82 and 85, of the Milwaukee Code of Ordinances to not renew the Food Dealer and Weights & Measures licenses. The Committee finds the health department reports and aldermanic objections as stated above to be true. The Committee based its recommendation on the Licensee, aldermanic, neighborhood and police testimony.

3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to not renew the Food Dealer and Weights & Measures licenses for the premises located at 930 North 27th Street in the City and County of Milwaukee, Wisconsin ("Family Dollar"). The Committee based its recommendation on the Licensee, aldermanic, neighborhood and police testimony.

### **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) noes** recommends that the Food Dealer and Weights & Measures licenses held by Lonnie W. McCaffety for the premises located at 930 North 27th Street in the City and County of Milwaukee, Wisconsin ("Family Dollar") not be renewed based on the Licensee, aldermanic, neighborhood and police testimony.

Dated and signed at Milwaukee, Wisconsin this 15th day of May, 2020.



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MILELE COGGS  
Chair, Licenses Committee

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## **COMMITTEE ASSIGNMENTS**

### **CHAIR**

- Licenses Committee

### **VICE CHAIR**

- Zoning, Neighborhoods and Development



**MILELE A. COGGS**  
ALDERWOMAN, 6TH DISTRICT

### **MEMBER**

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Date: November 13, 2020

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

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### **FINDINGS OF FACT**

1. Lonnie W. McCaffety (hereinafter the "Licensee") is the holder of Food Dealer and Weights & Measures licenses for the premises located at 930 North 27th Street in the City and County of Milwaukee, Wisconsin ("Family Dollar"). Said licenses expired at midnight, May 1, 2020.
2. An application to renew said licenses was filed with the Office of the City Clerk on February 19, 2020.
3. Pursuant to Chapters 68, 82, and 85 of the Milwaukee Code of Ordinances, the matter was referred to the Milwaukee Police Department for investigation.
4. On April 29, 2020, the City Clerk's Office provided notice to the Licensee pursuant to Chapters 68, 82, and 85 of the Milwaukee Code of Ordinances of the police report and neighborhood objections and included a copy of the police report. The matter was scheduled for a hearing on the police report and neighborhood objections on May 12, 2020. As a result of that hearing and a subsequent court order in Milwaukee County Case number 2020CV003154, the matter was remanded to the City for additional fact finding. As a result, subsequent notice was mailed and additional hearing was scheduled for November 10, 2020, at 2:40 p.m. in Room 301B of the third floor of City Hall. At said date, time and place, Attorney Josh Gimbel, appeared on behalf of the Licensee at the hearing and admitted receipt of the notice of hearing.
5. Based upon the Findings of Fact and Conclusions of Law generated by the City of Milwaukee and dated May 15, 2020, and incorporated by reference, sworn testimony heard and the evidence received at both hearings, the Committee finds the following:
  - A. Attorney Josh Gimbel stated this store is important for the employees and residents. He added that the premises provide residents with items that are needed and there has been stable management for the last 6 months. He stated that boarding up the premises is not the appropriate remedy for the issues raised today. He added that a penalty short of nonrenewal should be considered in keeping with progressive discipline. He stated there's onsite security that is doing their best in a challenged area.



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- B. Denelle Gordon, Regional Manager, 2152 Lancaster Heights Rd, Freeport, IL stated that they are striving for consistency in the store and they have hired a new store manager in April. She added that they conduct a partnership interview and are working on hiring top talent and good customer service. She stated that she met with Mr. Stanley in the summer and they have been making huge improvements and standards across all stores in the brand. She added that they have restriped the parking lot and make sure that customers have good merchandise to pick from in stock and seasonal items. She stated that she would like to make improvements to the building itself, but corporate is unlikely to make such an investment if the license is in jeopardy.
- C. Ms. Gordon added that they have made some donations during the summer, but because of the corporate structure it is hard to make large donations. She stated that she walked the store with management, DNS, and MPD on October 1st and there were no code violations or safety issues. She added that security staff walks through the store and outside to address some issues. She stated that she is willing to meet with anyone for a store walk through and will be participating in the monthly calls with the Near West Side Partners. She added that the premises provide a service for the neighborhood to purchase daily items, seasonal items, electronics, clothes, and shoes. She stated they expanded their cooler assortment and can add more selection with a possible renovation. She added that there are currently 11 employees who all live within a few miles of the premises. She stated that they have made improvements, efforts, and tried to address issues.
- D. Harry Susman, District Manager, 930 N 27th St stated he has been trying to coordinate efforts with community partners and the store. He added that because they do not own the building it is difficult to make improvements. He stated that he is taking the concerns seriously. He added that a lot of their customers walk or ride the bus and to close the store would inconvenience them.
- E. Mindy Yoho, District Manager, 9418 N Green Bay Rd, Brown Deer, WI stated a lot of the problems are happening because the patrons of Gare-Bear's fight and do drugs in their parking lot. She stated the tavern opens at 5:30 AM and at 12:30 PM there have been 4 fights in the parking lot today. She added that there is an individual named "Kilbourn" who causes a lot of problems. She stated the plexiglass has been fixed and the store looks the best it has looked in 5 years inside and outside. She added that no one has appeared at the Gare-Bear's hearings to oppose their license.
- F. Kiara Sanders, Manager, 4352 N 26th St stated she has been the manager for almost six months and she hired nine employees who all live in the area. She added that a lot of the problems have nothing to do with the premises or it's employee or customers. She stated that she was aware of 5 of the calls for service. She added that she trains her staff on how to handle security issues. She stated that they receive daily compliments on how good the store looks.

***Individual also present:***

- G. Alderman Bauman stated there have been 33 calls for service since the last hearing in May, including a subject with a gun complaint on the date of the May hearing. He added that the new argument is that the problems are from Gare-Bear's, but no one



from Family Dollar has appeared at a hearing to testify against Gare-Bear's about the problems they are witnessing. He stated there has been additional testimony about more calls for service and the highest call volume in the 3rd District for the last five months. He added that there is a grocery store across the street, so there is an alternative to purchase food. He stated that he recommends nonrenewal. He added that he has not met with premises and did not receive a call from management until 12 hours ago. He stated that Family Dollar could care less about how this store is operating. He added that he is an advocate for the residents and businesses in his community. He noted that there has been no improvement regarding the problems at the store not just over this licenses period, but over a period of years. He stated that year after year he hears that they're going to do better, but nothing ever changes, and their business model does not support the health, safety, and welfare of the constituents of the city of Milwaukee.

***Individuals present in opposition:***

- H. Keith Stanley Near West Side Partners stated the store has been a consistent issue in the community. He added that he has been in the store many times and met with staff. He stated that he was disappointed in the rough look of the store because there are broken floor tiles and inventory everywhere. He added that for a national brand the employees need more support. He stated that there have been investments, but the store is not clean, not welcoming, not inviting, and the facade is run down. He added that mom and pop stores in the community do a better job than Family Dollar. He stated that he spoke with Mr. Susman about how Near Westside Partners can support the business. He added that he offered them trash cans, but there is still trash overflowing. He stated that he would like to see a new store with proper management and investment to make sure it is part of the community. He added that he has reached out to the property owner about the premises also. He stated that the operation of the premises allows trash, people fighting and drinking in the parking lot, panhandling, and loitering. He added that it is known that Family Dollar refuses to address the issues in their parking lot. He stated he would prefer not to have the premises because of the problems it brings to the neighborhood. He added that he understands that there are urban challenges, but the premises is unresponsive and not committed to be involved in the community. He stated the premises has not made efforts to make substantive changes, and it is negatively impacting the residents.
- I. Milwaukee Police Department Captain Johnson stated the document is a report of all CAD calls generated by the premises since January 1, 2020. He added that in April there were 50 CAD. He stated that a business check is an officer checking on the business and making sure there are no issues. He added that the officer may go in and talk to employees or just drive by. He stated that he has not met with the management of the premises, but his officers have. He added that the premises is not currently in nuisance status. In response to a question from Ald. Bauman, he testified that he is not aware of another business generating the same amount of calls of service as the premises.
- J. Assistant Chief Norman stated that 114 calls for service in 9 months is not normal for the 3rd District and higher than one would expect.
- K. Bobby McQuay Near West Side Partners stated he has visited the premises 7-10 times a month to observe what is going on at the premises. He stated on October 6<sup>th</sup> there was a

delivery truck parked against traffic, not in a legal loading zone, and unloaded goods for 30-40 minutes. He added that the store is frequently closed in the middle of the day, and he hears complaints from residents about this. He stated that on October 8th he went to the premises at 3:30 PM and it was closed, and this was the second time he has witnessed this. He added that he has not noticed a significant change with regards to cleanliness as there is still trash, litter, and debris flying around. He stated on September 28th at 5:30 PM he went to deliver a garbage can to help with the litter and when he asked to speak to manager, he was given the runaround for 10 minutes. He added that there are issues that are generated from the premises. He stated on July 31st he witnessed an employee and the security guard do a hand-to-hand transfer with a passenger from a black car. He added that the main concern of the premises is to generate revenue and not to improve the quality of the store. He stated that there is always product in the aisles, the floor is hazy at best, and it is not a welcoming environment. He added that Gare-Bear's, the tavern across the street, has issues, but their calls for service do not rival Family Dollar. He stated that the employees should be reporting the problems they see from Gare-Bear's patrons. He added that he would rather see a boarded-up building than the store because he has not seen a change in the behavior of the premises. He stated that he believes that Family Dollar upper management has demonstrated that it cannot run a store that is a safe environment.

- L. Alderman Borkowski stated it is painful because there are employees who are dependent on their jobs and there are residents who are counting on this premises. He added that he is discouraged that not a lot has changed since the last hearing. He stated that they should shut down for 3 months to do the necessary improvements.
- M. Alderwoman Lewis stated that all of these concerns are not limited to this specific location, but has been a problem with Family Dollar brand stores not being well run inside the City; however, she noted that the suburban stores are run completely differently. She added she has yet to see a Family Dollar in the city limits that is well kept and maintained. She stated that it is sad to be dealing with the same situations over and over of litter, loitering, inside and outside esthetics, and the business model must evolve, or something has to change. She added that she agrees that there is a strong basis for nonrenewal because of the ongoing issues.
- N. Alderwoman Dodd stated that she has listened to all the testimony and this is a tough decision to make because she recognizes that people's jobs are at issue.
- O. Alderwoman. Lewis moved nonrenewal based on the police report, and police, aldermanic, neighborhood, and applicant testimony at the hearing referenced herein and the hearing that occurred on May 12, 2020. (Prevailed 4-0, Alderwoman Coggs excused)

## CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapters 68, 82 and 85 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Lonnie W. McCaffety who holds Food Dealer and Weights & Measures licenses for the premise located at



930 North 27th Street in the City and County of Milwaukee, Wisconsin ("Family Dollar") has not met the criteria of Chapters 68, 82 and 85, of the Milwaukee Code of Ordinances to not renew the Food Dealer and Weights & Measures licenses. The Committee finds the health department reports and aldermanic objections as stated above to be true. The Committee based its recommendation on the Licensee, aldermanic, neighborhood and police testimony.

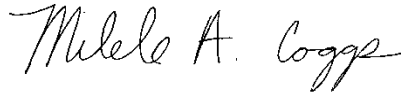
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to not renew the Food Dealer and Weights & Measures licenses for the premises located at 930 North 27th Street in the City and County of Milwaukee, Wisconsin ("Family Dollar"). The Committee based its recommendation on the Licensee, aldermanic, neighborhood and police testimony.

### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of **four (4) ayes, zero (0) noes and one (1) excused** recommends that the Food Dealer and Weights & Measures licenses held by Lonnie W. McCaffety for the premises located at 930 North 27th Street in the City and County of Milwaukee, Wisconsin ("Family Dollar") not be renewed based on the Licensee, aldermanic, neighborhood and police testimony.

Said nonrenewal is effective November 24, 2020.

Dated and signed at Milwaukee, Wisconsin this 13th day of November, 2020.



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MILELE A. COGGS  
Chair, Licenses Committee

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