

Haar, Jennifer

From: Mary Mullen [mmullen4337@charter.net]
Sent: Wednesday, March 15, 2017 3:43 AM
To: Gloede, Carl; Christianson, Eric; Fernando Cano Ospina; Reyes, Gloria; James Boxrud; Kathryn D. Hill; Leslie G. Orrantia; Verveer, Michael; Michael S. Donnelly; Patrick J. Grady; Skidmore, Paul; Allen, Roger; Bidar-Sielaff, Shiva; Stefan J. Fletcher; Thomas A. Landgraf; Clerk
Subject: RE: Rocky's West request to lift conditions

RE: Request of the owner of Rocky's West liquor store (4217 West Beltline Hy., Madison) to release her from the condition that there be no sales of intoxicating liquor in the original container in amounts of two hundred (200) mL or less

I cannot be present at the ALRC meeting on March 15, 2017, but I wanted to say that **I oppose lifting the prohibition against selling small bottles.** Here are my reasons, first briefly, then in more detail if you have time.

1. The owner **has sold small bottles despite the prohibition**, "thumbing the nose" at the ALRC and City Council. The police reports will elaborate on this. Since it is winter, it's hard to tell if alcohol container litter has been reduced. The airplane bottles I've found in Marlborough Park when the snow was gone mostly looked like they could have been there the previous fall and just "surfaced" when the long grass was completely beat down due to the season.
2. The **owner** did meet with the Dunn's Marsh Neighborhood Association as required, but she **used the meeting to speak abusively** to the seven of us that attended, hardly allowing anyone to get a word in edgewise, and constantly interrupting anything we wanted to say despite our conciliatory tone.
3. Although most of the **other conditions have been met**, this has **only happened in the since February 15** rather than almost immediately as we were given to believe and I thought was required. The outside of the property does look pretty well kept up.

Here's more detail.

1. People in the neighborhood *and* the police found that **these smaller bottles of liquor were being sold despite the prohibition** recommended by the ALRC in November 2016 and passed by the Common Council on December 6, 2016. These violations were **found on at least 3 occasions in January 2017**. While the smaller bottles were not on display, if a person asked for them, they were provided from behind the counter. Even though it was not the actual proprietor who sold these small bottles, the clerks must have had her permission. Why else would the bottles be stored right behind the counter and actually be taken out and sold to customers upon request? I'm sure you will find out many more details from the police report on this issue. I've found some airplane bottles in Marlborough Park, but since these were available to anyone who asked, there's no good test as to whether prohibiting them made for less litter. I have not picked up litter along the Beltline frontage road since early November, before the establishment was licensed to the new owner.

2. Secondly, although the **owner of Rocky's met with members of the Dunn's Marsh Neighborhood Council** on February 15 - within the 3-month window that began on November 16 - **the meeting went very, very poorly**. I thought the ALRC's purpose in requiring a meeting every 3 months was for the neighborhood to let the owner know how we felt things were going with the liquor store under new ownership and to make some suggestions if things weren't going well. But, very sad to say, at this meeting the owner hardly let any of us get a word in edgewise. She spoke to us in extremely harsh, loud, and blaming tones and words, interrupting just about every one of the seven of us time and time again. I was shocked at this behavior. It was difficult to feel she was listening. The meeting was completely unproductive in my opinion.

The DMNA had bent over backward to try to meet her schedule. Although she had been informed and invited to our regular Council meetings, she begged off of all those dates, and we had to meet with her on very short notice so she could meet her deadline. Our DMNA president invited us all to her home for this meeting in hopes of having a more friendly atmosphere in informal circumstances, but, as I mentioned above, the meeting was anything but friendly.

3. Finally, some of the **other conditions of the license were not met until late February or early March** or have not been met yet, regardless of the fact that the owner had previously told me and others that they would be met basically immediately after the temporary license was granted in November. I'm happy to say that the **outdoor cameras** that are to watch all sides of the building have installed although just quite recently. I wonder if the video is kept for the requisite 30 days. There's no way for a casual observer to know. While there are **lights** on all sides of the building, the condition is that they be motion lights. I believe these lights operate all night long since they are the lights that came with the building and are clearly very old. This is not necessarily a bad thing, but this was not the condition that was placed on the license. Another condition was to put up **"No loitering" signs**. When Dunn's Marsh Neighborhood Association Council met with the owner on February 15, we learned that she did not seem to realize that that was a requirement at all. There was and is one "No trespassing" sign on the front of the building (as of last week). I've heard that there's now one hand-

made "No Loitering" sign, but I have no idea where it is, because I was not able to see it from the street.

In conclusion, when I first met with the owner and her husband, I was prepared to like them because I do like competent people who say they are experienced and intend to follow the law. In particular, I expected them, as business people, to want to get along with the neighborhood. I believed the owner when she said she would meet the conditions put on her business even though she would prefer not to have them. But she and her employees have not lived up to these expectations.

On each occasion of being around this owner (and her husband who led a required meeting on the premises prior to the first hearing), I have been surprised at the apparent lack of understanding of how a liquor store in their location and with its history affects the neighborhood. I feel there's a lack of concern for the neighborhood and lack of ability to try to compromise for the benefit of their business and the neighborhood. It seems like the more individuals from the neighborhood have tried to explain our concerns and desires, the more the owner feels we are just being discriminatory. Every expressed neighborhood concern is met with the statements that they have no control over their customers, they "can't" pick up litter, that selling alcohol is legal, and therefore we ought to leave them alone, or perhaps direct our concerns to another business down the road, and then by giving the example of turning one customer away who was drunk and of giving money to some non-neighborhood organization who solicited them.

I don't think the owner of Rocky's should be "rewarded" with lifting the condition prohibiting sales of small bottles when that condition was not met in the first place.

Sincerely,

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