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CITY OF MILWAUKEE

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UTILITIES & LICENSES COMMITTEE

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In the Matter of:

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PYLES, Robert B. and McDonald's Corporation, 24-Hour
Establishment partnership application for "McDonald's"

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at 7451 West Appleton Avenue.

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COMMITTEE MEMBERS

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ALD. JAMES BOHL - Chairman

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Ald. Joe Davis Sr. - Vice Chairman

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Ald. Fredrick G. Gordon

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Ald. Joseph A. Dudzik

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Ald. Terry L. Witkowski

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DEPARTMENT OF NEIGHBORHOOD SERVICES by BRIAN KAUFMANN

17

LICENSING DIVISION by JAMES COPELAND

18

POLICE DEPARTMENT by SERGEANT JOHN HOGAN

19

OFFICE OF THE CITY ATTORNEY by BRUCE SCHRIMPF

20

Proceedings had and testimony given in
the above-entitled matter, before the UTILITIES &
LICENSING COMMITTEE OF THE CITY OF MILWAUKEE, on
the 23rd day of March, 2004, reported by Donna
Gulczynski of Milwaukee Reporters Associated, Inc.

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P R O C E E D I N G S

(NOTE: All City Personnel Were Sworn Under Oath Prior to These Proceedings.)

CHAIRMAN BOHL: Robert Pyles and McDonald's Corporation, 24-hour Establishment Partnership application for McDonald's at 7451 West Appleton Avenue. Good afternoon, Mr. Pyles.

MR. PYLES: Good afternoon.

CHAIRMAN BOHL: How are you?

MR. PYLES: I'm good.

CHAIRMAN BOHL: We'll have to have you raise your right hand, and we'll swear you in.

(Whereupon Mr. Pyles was sworn under oath.)

CHAIRMAN BOHL: Mr. Pyles, do you acknowledge receiving notice of this afternoon's meeting with the possibility that the application could be denied? It is cited for an objection to the licensing of this location as a 24-hour establishment will be the source of excess traffic, loitering, littering, disorderly behavior and noise generated by such traffic, which is cruising. In addition, there would be an overconcentration of after-hour businesses in the area having an adverse impact on the health, safety and welfare of the neighborhood.

MR. PYLES: Uh-hmm.

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1 CHAIRMAN BOHL: That's a yes?

2 MR. PYLES: Yes.

3 CHAIRMAN BOHL: Neighborhood Services?

4 MR. KAUFMANN: No objections.

5 CHAIRMAN BOHL: Alderman Davis?

6 ALDERMAN DAVIS: Currently --

7 CHAIRMAN BOHL: By the way, Neighborhood
8 Services should have an objection here. I'm serious
9 on that as well. Alderman Davis?

10 ALDERMAN DAVIS: Currently this particular
11 establishment is licensed for 5:00 till 12:00
12 midnight, Mondays through Fridays, -- and the owner
13 can verify it, -- 6:00 in the morning to 1:00 Saturday
14 mornings, 1:00 a.m., and that previous was 12:00 a.m.,
15 and on Sunday, 5:00 to 12:00 a.m. It is my hope that
16 the committee will not recommend this 24-hour
17 application.

18 One thing I can say is that Mr. Pyles was a
19 responsible owner and came to my office and talked to
20 me about it, and we sat down and talked about the
21 issues of the neighborhood. I hope that he
22 understands that this is just one way to make sure
23 that the 2nd District not only remains healthy but
24 gets healthier, and I had indicated to him that this
25 is a one-year decision that I've made in order for me

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1 to try to get control, as some of my colleagues as
2 well has tried to do, and I would hope that the
3 committee would support not granting this 24-hour
4 application.

5 CHAIRMAN BOHL: Okay. And I will just tell
6 you as the sponsor of this legislation that this
7 particular location was one of the catalysts for this
8 legislation here in the City of Milwaukee.

9 I happen to have the district that is a
10 block and a half due west of here, and at one point
11 then Alderman Terrance Herron had vacated his seat,
12 and at that time his legislative assistant who has
13 been retained by Alderman Davis had apparently gotten
14 word that this particular establishment was operating
15 24 hours with their drive-through and posted signs at
16 such, and I touched base with her, and she told me
17 that she had been -- I don't know, Mr. Pyles, if she
18 was in contact with you or the manager or general
19 manager, but it was somebody who was higher up in your
20 particular corporation who she was in contact with,
21 and informed them that the Board of Zoning Appeals had
22 only provided you a license to operate, as Alderman
23 Davis has indicated, up till midnight, six days a
24 week, and 1 a.m. on Saturdays. And she was assured
25 that that was going to be complied with, and that very

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1 likely there was going to be an application coming
2 before BOZA for a 24-hour establishment at some point
3 in the near future.

4 As I understand it, -- I was at a
5 neighborhood meeting a couple weeks after that, and I
6 had a number of individuals from the Capitol West
7 Neighborhood Association come to me and tell me that
8 the signs were still present posted around the drive-
9 through, drive-through open 24 hours.

10 After that meeting ended at 9:30, I drove to
11 this location. I asked for the manager, and I asked
12 them how late that the drive-through was open, and I
13 was informed 24 hours. I then proceeded to ask that
14 manager whether or not he had ever been informed by
15 anyone in the 2nd Aldermanic District as to the hours
16 of operation, that that was illegal. I was told no.

17 I provided a card and asked for a phone call
18 promptly in the morning because I said I was going to
19 get on the phone with the Department of Neighborhood
20 Services and ensure that that would take place, and
21 you know what? Didn't get a phone call in the
22 morning, didn't get a phone call the next day, and I
23 think I did touch base with you a couple days later
24 thereafter.

25 But the fact of the matter is, is this was

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1 the catalyst of the 24-hour ordinance here in the City
2 of Milwaukee, and that was a big no-no, so that's why
3 Neighborhood Services should have had some objections.

4 And the unfortunate thing is Neighborhood
5 Services has three inspectors that are all daytime
6 shift, operating from 8 till 4:30, and when these
7 places are operating illegally late at night, there's
8 no way of enforcing it under the former zoning code.
9 That was the catalyst of it all, so -- Anyhow, now
10 that's the synopsis.

11 Mr. Pyles, I will allow you to provide us a
12 reason and rationale why you want to expand your
13 hours, and as well as provide any details that you may
14 have as to security steps that you were going to take
15 at the premises to ensure that there are not problems
16 late at night.

17 MR. PYLES: Yes, sir. And once, again, on
18 your statement that you made, I'm quite -- I feel like
19 you feel about the cruising, but one of the things
20 that -- talking to the folks in the stores, the
21 different ones, once I received the notice that we
22 could not be open, I immediately stopped. Second of
23 all is that I did not know their rules, and once I was
24 informed, we immediately stopped.

25 Alderman Bohl, we have had contact, your

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1 aide has my number for them to reach us for different
2 reasons, and I was never called, not even on my cell
3 phone.

4 First of all, I'd like to start off by
5 saying that this is not McDonald's. I'm Robert Pyles.
6 I operate my establishment uniquely. First of all,
7 I've got several stores throughout the city that has
8 the issue of cruising. When I took over one of the
9 locations on Villard and Teutonia, they was closing
10 the lobby at 7:00. They was even closing the store
11 at 9:00. This does not only give the City of
12 Milwaukee, the alderman of District 2, a black eye,
13 it gives me as a business owner, black or whatever, a
14 black eye, when I go into the city and have these type
15 of rules.

16 One of the thing that Bridgeman does, who's
17 down the street, -- If I got to put armed guys with
18 weapons in my store, then I'm in the wrong business.
19 I have no armed guards in my stores. We do strict --
20 When I hire the folks, I make sure we do a strict
21 background check. A lot of problems come with people
22 you're hiring, people setting you up with different
23 issues you have. Before I put armed guards in my
24 store, I will shut down. I will not be having 24
25 hours or even dealing with that issue. I make

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1 hamburgers for a living. I'm a part of the community.
2 I have three other stores that's 24 hours.

3 One of the things that I like to do when I
4 talk to the alderman is -- I'm a part of the Havenwood
5 Development Block Watch and different ones in the
6 community. If there's an issue, let's address the
7 issue and let me help with the issue, being part of
8 the issue. As to date I have not seen a letter, I
9 have not seen any kind of a complaint towards any of
10 the stores, and I know I came up to BOZA and put a lot
11 of patience in, and if the neighbors is really
12 concerned, there would be letters and people here to
13 defend it.

14 First of all, the source of the problem is
15 cruising. Like I said, there's one store that I have
16 that has -- that I have had an issue with cruising.
17 It's every June. Across the street they have a
18 carnival over there. Once the carnival lets out, the
19 people have nowhere to go. They clog up the streets.
20 My business gets shut down, I don't make no money.
21 When the cruising happens, I don't make no money.

22 I'm opposed to the cruising just as much as
23 the board. I would not open up any kind of a business
24 that would give the area or community a black eye
25 because then the customers don't want to come.

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1 First of all, addressing excessive traffic.
2 The excessive traffic issue is when McDonald's even
3 builds a brand-new restaurant. We don't look at it
4 that when they build it, they will come. It's the
5 traffic that's already there. It's the traffic
6 already there.

7 Second thing is that we're in and out. I
8 can't control them unless that's a part of the
9 policies that they can not park in the lot. If
10 somebody buys a hamburger there, they'll park and eat
11 it. Normally we don't have that. People are getting
12 their burger, and they're heading home. But if they
13 park in the lot and eat a hamburger, -- I don't want
14 to have this kind of business where we got to just run
15 them off. That's not the kind of business that I run.
16 If they want to buy a hamburger and park and eat it,
17 as long as they're not causing a problem, then we
18 monitor it.

19 Second thing is the loitering, the
20 disorderly behavior. Like I said, today the police
21 department is here; what type of response to the
22 location have we had. There is none. I had the store
23 on 60th and Silver Spring which was a source of a
24 problem, I understand. I've had that establishment
25 open to 3:00. I remodeled it. I put a brand-new

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1 store there, and right now the sales -- It is one of
2 the nicest things in the community.

3 I even have a letter from a guy -- Now, this
4 is the closest drive-through that I have to someone's
5 home. He's in my drive-through. He gave me a letter
6 to give to Alderman Richards saying, "I support." He
7 has my cell phone number. He don't have no store
8 number, he has my cell phone number; the same as your
9 aide do, has my cell phone number. So if there's a
10 problem, Alderman, you don't get the call, I get the
11 call at 2 in the morning saying; "Hey, you know what?
12 The drive-through window's onto something, we need" --
13 You know, I have not got a call. Him and his wife
14 wrote a letter saying, "Mr. Pyles, we support you."

15 I pick up trash in their yard, I put the
16 fence up around the yard. I do whatever I got to do
17 to make it happen. I want to be a good neighbor. Not
18 only just a good neighbor, I want to change the -- I
19 can't change Bridgeman's Wendy's, Tasty's, but I know
20 about Robert Pyles' McDonald's.

21 Second thing is that we don't pick up trash
22 three times a day. Our management will get in at the
23 store at 5:00 -- well, actually, 4:00. The majority
24 will be there at 4:00. By the time they wake up, the
25 trash is picked up, and we do that every day. And

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1 then three times a week we go throughout the block,
2 and I've already talked to the city supervisor about
3 doing a block pickup during the summer with the youth.

4 Like I said, I have shown, being with the
5 other aldermen of the districts, that Robert Pyles
6 runs a different style of McDonald's. I'm passionate
7 about what I do. I have 15 years of military
8 experience, and that's one of the things that I hold
9 my people accountable to, and if I can't do it, then
10 I'll stop myself.

11 Our lobby closes at 10:00, and let me answer
12 the reason why. Number one, there's safety things
13 that we do that the lobby closes at 10:00. We do the
14 filtering, we go through the lobby and clean, and also
15 it allows -- Again, mine is 74 percent. The majority
16 of the fast food business -- people don't want take to
17 hang around anymore. We keep that same stigma of
18 putting up, getting outside, -- People want to get in
19 and get out, and that's one of the things that
20 Alderman Richards has said. The burger's made. By
21 the time you order, they only have three minutes and
22 30 seconds to be in that drive-through. It's ready
23 and they're going. And as I said, if someone comes up
24 and have to use the restroom or something, they're not
25 allowed.

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1 Like I said, I have proven ability uniquely,
2 and I know that generally -- in general Alderman
3 Davis, he has a commitment to the people in that
4 community to hold to what he said, but the establish-
5 ment on 7451 is going to run different than any other
6 store. All my stores, like I said, we run them tight.
7 It employs 55 people. I've done had the store for two
8 years. I've had nine stores, and like I told him, I
9 got some rougher areas than 76th and Appleton. I have
10 the one on Teutonia. And like I said, I want to be a
11 pillar in the community, not just an operator.

12 CHAIRMAN BOHL: Thank you, Mr. Pyles. And I
13 will say I think it took a couple days, but I did
14 speak to you personally. You did provide me your cell
15 phone number. I have not had any issues, and I know I
16 have the Hampton store in my district. You also have
17 the one that's on 76th and Acacia, if I believe
18 correctly, and also the one on -- what is it, about
19 107th and Silver Spring, among others as well,
20 too. One of them is presently in my district, one
21 will be in the district after, and I've not had
22 problems nor seen problems at any of those other
23 locations, and I will concur that you are responsive
24 in response to the blip that took place here on 24
25 hours, which I will still no doubt say was the

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1 catalyst for this particular ordinance for taking
2 place here. But I will say that everything that I
3 know of you since then, certainly I do acknowledge
4 you're very responsive.

5 ALDERMAN GORDON: Mr. Chairman?

6 CHAIRMAN BOHL: Alderman Gordon.

7 ALDERMAN GORDON: Thank you. Mr. Pyles, you
8 testified that you own and operate nine stores in the
9 city?

10 MR. PYLES: Yes, sir.

11 ALDERMAN GORDON: Are any of those stores
12 24-hour stores?

13 MR. PYLES: Three of them.

14 ALDERMAN GORDON: And where are they located?

15 MR. PYLES: The Teutonia and Villard store,
16 the 76th and Mill Road, and 76th and Acacia, and the
17 60th and Silver Spring location.

18 CHAIRMAN BOHL: Is that one of -- And I know
19 that the address is -- it's the funniest in the world
20 because it's 57th and Silver Spring, and it really is
21 more like on about 59th. I don't know. I've never
22 figured out how they got the address there. I mean it
23 literally is no more than a block away from 60th
24 Street, and it's got an address of 5717 or something
25 to that effect. In that location are you operating 24

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1 hours now? I know it's later in the mornings. Is it
2 like 3 a.m.?

3 MR. PYLES: Yeah, and we just signed up for
4 it.

5 ALDERMAN GORDON: Which one was that again?

6 MR. PYLES: 5739. This is 60th and Silver
7 Spring.

8 ALDERMAN GORDON: Now, at the 76th and
9 Acacia location, I know that's on 76th Street, and I
10 know that's been an area where cruising has taken
11 place. How have you responded to those situations in
12 the past?

13 MR. PYLES: What happened is, like the
14 gentleman was talking about, in June we have a
15 carnival across the street, and we do what we call
16 a -- I do a car show every Friday night for the
17 community because they know classic cars. Basically
18 what we did, even last year, I shut down the car show,
19 and I had the car club members on Friday and Saturday
20 come out and help police the area. But once, again,
21 like I said, if I can't control it, I shut it down.
22 But basically they shut the whole block down. It's
23 beyond me. It's a block issue, not a store issue.

24 ALDERMAN GORDON: And how many times have
25 you had to do that, shut it down?

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1 MR. PYLES: Once a year, that weekend.

2 ALDERMAN GORDON: And no other weekends do
3 you have any problems?

4 MR. PYLES: No.

5 ALDERMAN GORDON: And as to the Teutonia
6 and Villard location, the same situation?

7 MR. PYLES: Yes, sir.

8 ALDERMAN GORDON: Thank you.

9 CHAIRMAN BOHL: Mr. Pyles, I just want to do
10 one follow-up, and I know that you indicated here that
11 unlike one of the previous applications that was
12 before us, that it is your -- that as long as somebody
13 is peaceably enjoying one of the sandwiches or
14 something that they order at the store, that you allow
15 them to come through the drive-through and park and
16 finish what they want and then drive off. You know,
17 you have a very unusual parking lot at this location,
18 kind of -- I don't even know how to describe it. It's
19 kind of like a reverse Z in some respects.

20 Being that the drive-through is really on
21 the western side, and that you even have some parking
22 that would be kind of in the middle part where the Z
23 is, you're kind of wedged in that corner, and then
24 also you can have some of the parking that's closer to
25 Capitol Drive there. I mean even presently with your

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1 hours of operation maybe until 1:00 in the morning,
2 are you sending folks outside, or are you finding any
3 problems between midnight and 1 a.m. on the one night
4 that you're currently operating that late at night
5 during the summer months?

6 MR. PYLES: No, sir. What tends to be the
7 problem, with me being in the fast food business, --
8 like I said to the alderman, before I could think
9 about 24-hour, I did the same runaround to see if
10 even the traffic is there.

11 The problem is that if we get slow and
12 people are hanging around, -- For example, like the
13 Tasty's. It takes 17 to 23 minutes to get your meal
14 at Tasty's, so when the clubs let out, there's going
15 to be a congregation of people. You got to be fast
16 and get them out, so a majority of the time there's
17 not an issue. As long as you're giving them food and
18 getting them out of there, they're gone. We haven't
19 had a problem with opening the doors and sending them
20 on out there.

21 And like you said, if that would be the
22 case, that our instruction is to cut the lights off,
23 and like you say, call the police, and we haven't had
24 to do that yet.

25 CHAIRMAN BOHL: All right. Are there any

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1 other questions by committee members?

2 MR. SCHRIMPF: Mr. Chairman.

3 CHAIRMAN BOHL: Mr. Schrimpf.

4 MR. SCHRIMPF: Thank you. Mr. Pyles, I
5 understand that McDonald's gets the food out very
6 quickly, but doesn't that contribute to the whole idea
7 of cruising? Because now people have got coffee,
8 they've got things to drink, they've got things to
9 eat, and they can do it in their car.

10 And I'll grant you they're not in the
11 parking lot and they're not in the restaurant, but now
12 they're in their car, and they're mobile, and now they
13 have sustenance and liquid refreshment and everything
14 else, perhaps even coffee to sober up. They've got
15 now the materials that they need to continue to cruise
16 for a while. Doesn't that really contribute to the
17 problem?

18 MR. PYLES: Well, I don't think so, sir,
19 because number one, at 2:00 in the morning, you know,
20 they've probably already eaten, the cruisers, because
21 as I've said, I haven't had a problem with the traffic
22 going through my drive-through, that much of a rush.

23 The normal people we have are folks that are
24 coming and going from work, normally folks that's in
25 that area, that's already in that area. If they want

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1 a soda, -- And I think the problems we have with them,
2 I don't think they're drinking soda and coffee. I
3 think they're drinking something a little stronger
4 during that time of night.

5 MR. SCHRIMPF: I think part of the problem
6 is they were drinking the stronger stuff earlier.

7 MR. PYLES: Yeah.

8 CHAIRMAN BOHL: Let's hope they're not
9 adding anything special to the coffee.

10 MR. SCHRIMPF: You don't think so.

11 MR. PYLES: No, sir.

12 MR. SCHRIMPF: Okay.

13 CHAIRMAN BOHL: Are there any other
14 questions?

15 ALDERMAN DUDZIK: Mr. Chairman.

16 CHAIRMAN BOHL: Alderman Dudzik.

17 ALDERMAN DUDZIK: Alderman Davis, how close
18 is this McDonald's to a residential area?

19 ALDERMAN DAVIS: Appleton Avenue -- I will
20 show you, Alderman Dudzik, and I'm glad you asked that
21 question.

22 ALDERMAN DUDZIK: You and me are going out
23 some night, by the way, because I'm just totally lost.

24 ALDERMAN DAVIS: This is a unique location.
25 Here it is. Before I used to represent the area, --

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1 MR. SCHRIMPF: Could you please say where
2 "here it is" is?

3 ALDERMAN DAVIS: Yes. It's on Appleton
4 Avenue just north of Capitol Drive, and it's this
5 little triangle here. And as I stated before, if you
6 look at the red, that is where known cruising has
7 occurred, and it has occurred on Capitol Drive, it has
8 occurred on Capitol Drive west and east, it has
9 occurred on Appleton Avenue, and also on 76th Street.
10 So this is a very unique location, and this is our
11 residential neighborhoods right here, and it goes all
12 the way back. This is all residential.

13 MR. SCHRIMPF: Can you identify the streets,
14 please?

15 ALDERMAN DAVIS: Yes. It's Beckett Avenue,
16 which is directly to the northeast, and then just
17 south of Capitol Drive you have an area that is 73rd
18 and Beckett, actually extends all the way past Capitol
19 Drive on the south side, and you have more residential
20 areas around here. So you have this little hub that's
21 in this area. You have a 24-hour Walgreen's that's in
22 this area, and let it be noted that this 24-hour
23 Walgreen's has had some crime problems, also, so I
24 will tell you that it is a concern, if I may
25 preference my comments on this.

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1 CHAIRMAN BOHL: Alderman Dudzik, you may
2 know this is, -- really the parking lot where you
3 enter is directly across the street from Capitol
4 Library that provides this familiarity as well too.
5 But it's a short block. Appleton Avenue -- Beckett
6 runs a block parallel with Appleton Avenue, and then
7 around there. Its immediate neighbors are all
8 businesses, so --

9 MR. PYLES: Alderman, can I make one comment
10 on that?

11 CHAIRMAN BOHL: Certainly.

12 MR. PYLES: And I understand -- That's the
13 same thing I look at, where they disperse. They would
14 have to throw littering out of their way to get it
15 into the neighborhood. All businesses are around.
16 The one house that's in the neighborhood, they
17 actually sold us the land for the A & W, so all around
18 is businesses. The litter happens to be going that
19 way, or laying in that area to be going that way.

20 ALDERMAN DUDZIK: One last question for
21 Alderman Davis. I've been fortunate enough to -- or
22 unfortunate enough. The McDonald's on 76th and
23 Oklahoma opened for 24-hour business without telling
24 anybody about a year ago, and we had addressed that
25 issue. I was fortunate enough to be forewarned that

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1 the McDonald's on 26th and Morgan is interested, and I
2 had other reasons for walking through the neighborhood
3 recently, and I made that one of the issues that I
4 talked to my new constituents about, so I'm very clear
5 as to their opposition to either one of those
6 McDonald's being 24 hours.

7 Have you had an opportunity to do any doors
8 in the areas of any of these businesses with regards
9 to these businesses wanting 24-hour, or are you just
10 going on your past experience?

11 ALDERMAN DAVIS: No, no, Alderman Dudzik.
12 I think you hit the nail right on the head. I have
13 a very good established relationship with block clubs
14 in this area. And this has always been a bone of
15 contention. I think that's the reason why I was so
16 supportive of Alderman Bohl's initiative as far as
17 bringing 24-hour establishments to this committee for
18 extended hours, is because this has been the area that
19 has been impacted, along with Alderman Gordon's on
20 Sherman and Capitol and Sherman and Burleigh.

21 These neighbors in this area are fed up,
22 and they make it very clear to me that they would be
23 supportive of not extending hours, and so I'll make a
24 closing statement.

25 ALDERMAN DUDZIK: And Alderman Davis, I

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1 firmly believe that you know your constituents as
2 well as I know mine. I don't question you there.
3 And I've always been fortunate enough to sit next to
4 Mr. Schrimpf and Officer Hogan so I can lean over and
5 get little bits of advice, and I do believe that at
6 some point in the future, and it should be relatively
7 quick in my opinion, that we should start asking for
8 police reports with regards to cruising and these
9 24-hour businesses, and we should treat them just like
10 liquor locations so that we get some true neighborhood
11 input, not just you or I representing them, but having
12 some backup with regard to these establishments.
13 Thank you.

14 CHAIRMAN BOHL: Alderman, just so you're
15 aware, the way the ordinance is written, is that it
16 does take into effect any police report, should there
17 be one.

18 ALDERMAN DUDZIK: Correct, but we haven't
19 seen one yet.

20 CHAIRMAN BOHL: Yeah, that is true.

21 MR. SCHRIMPF: Mr. Chairmen, amen.

22 CHAIRMAN BOHL: That's true as well, too.
23 Just so you're aware here, one of the organizations
24 that crosses over in this general vicinity between
25 Alderman Davis and my district from 60th Street west

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1 to the Capitol West Neighborhood Association, two of
2 the members of their executive board, including their
3 former past president, came forward when this
4 particular piece of legislation came through the
5 committee process, and both of them testified in favor
6 of it, so I know that Capitol West is an organization
7 that has already come out in favor of restricting
8 hours.

9 MR. SCHRIMPF: But Mr. Chairman, we need --

10 CHAIRMAN BOHL: I know they're not present.
11 I'm just telling you a fact. I'm not saying in terms
12 of this particular location. I'm just telling you
13 they were present to testify in behalf of the
14 legislation.

15 ALDERMAN DAVIS: Mr. Chairman.

16 CHAIRMAN BOHL: Alderman Davis, go ahead.

17 ALDERMAN DAVIS: Thank you, Mr. Chairman.

18 And Alderman Dudzik makes a good point because if in
19 fact it's a part of the Department of Neighborhood
20 Services to enforce this, and the police department
21 didn't have jurisdiction to enforce it, I think the
22 new ordinance now gives us the data to actually go
23 out and write citations for those who may have had
24 problems before, because for an inspection to happen
25 is, in my understanding, that that would be the

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1 responsibility of the Department of Neighborhood
2 Services, and with the type of inspections that we
3 had, we just didn't get it, particularly with the
4 issue that you talked about, the extended hours.

5 I've noticed the extended hours in this
6 particular area, but I will close to say this. The
7 extended hours of this particular location, -- I
8 asked myself one question when I took this issue on,
9 and that was does it enhance the quality of life in
10 the neighborhood in which I represent, and I dare to
11 say that it does not. It does not. Because the
12 neighborhoods in which I represent are residential
13 homes along with businesses in this area.

14 Now, I will give you a detail of what the
15 businesses are in that area. Wong's Wok closes before
16 12. Harold's Chicken just moved into the area and
17 petitioned me to stay open 24 hours. I told them no
18 extended hours. They close at 12.

19 Popeye's across the street, they were
20 grandfathered in, and the only reason why Popeye's is
21 open right now is because they got grandfathered in,
22 but lo and behold, they'll be coming back here, and I
23 will be opposing them also.

24 And then the last one is this McDonald's.
25 You have Kitt's Custard Stand right up on about 68th,

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1 69th and Capitol Drive. It closes at 12. And I'm
2 taking the position that if a business is in this
3 particular area, it's a business decision if you want
4 to operate it 24 hours, but it's not a neighborhood
5 issue. It's profit driven. And whether I want to
6 support Mr. Pyles or not, I am not willing to put the
7 community in which I represent in jeopardy, because I
8 know what this particular type of activity can do to
9 deteriorate the neighborhood. I will also mention
10 that there's a Kentucky Fried Chicken just across
11 Appleton Avenue, so this is a hub.

12 Now, what I will tell you about the Midtown
13 Complex is that I have Applebee's and I have Pizza Hut
14 coming in, and they're not asking for 24 hours. I
15 also have Culver's come in, first urban Culver's in
16 the City of Milwaukee. He didn't come in here and ask
17 for 24 hours. You know why? Because people can get
18 their business done in the appropriate time, and they
19 understand what the neighborhood issues are.

20 So I would just preference my comments to
21 say that where I know this is a business decision, and
22 Mr. Pyles -- yeah, he can get people through. The
23 reason why he can get people through is because he has
24 two drive-throughs. That's the reason why he can move
25 people through. It's two drive-throughs there, and it

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1 does contribute to the activity that we have. There's
2 no bones about it.

3 So I would hope that the committee would
4 deny this application. Currently his hours are
5 between 5 and 12, Monday through Friday, 5 a.m. to
6 12 a.m., 6 a.m. to 1 a.m. on Saturdays, and 5 a.m.
7 to 12:00 a.m. on Sundays, and I think that's
8 appropriate for this particular neighborhood.
9 Thank you, Mr. Chairman.

10 CHAIRMAN BOHL: Thank you, Alderman Davis.
11 And what I will let the committee members know is the
12 24-hour license applies to hours of operation between
13 midnight and 5 a.m.

14 The committee does have the ability to take
15 a look at this plan of operation and to make changes,
16 where we do not necessarily grant or straight deny.
17 We have the ability, for example, because Mr. Pyles
18 does have one night a week where he's operating till 1
19 a.m., where if it is so chosen, -- or multiple nights
20 a week, -- that he could be granted to 1 a.m. or 2
21 a.m. or 3 a.m. or 4 a.m., but the committee has the
22 ability to reach within and either vote straight up on
23 the application, vote straight down, or to seek middle
24 ground elsewhere.

25 Mr. Pyles, you just have, before we go into

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1 committee here, one other question here?

2 MR. PYLES: Yes, I just really -- Number
3 one, Alderman Bohl, even when this measure came up, I
4 like the way I do it because, like I said, it keeps
5 everybody in line.

6 And number two is that if -- what the
7 alderman said over there, -- if you got police reports
8 and neighborhood letters of issue, it's an even level
9 playing field when I come up to the board, versus a
10 feeling. And I understand the feeling everybody has,
11 but facts is facts, and I think that's what we should
12 go on.

13 CHAIRMAN BOHL: All right. Thank you,
14 Mr. Pyles.

15 MR. COPELAND: Excuse me, Mr. Chairman. I
16 need a clarification.

17 CHAIRMAN BOHL: Go ahead, Mr. Copeland.

18 MR. COPELAND: Mr. Pyles, according to your
19 application, this is a partnership?

20 MR. PYLES: Well, actually it's McDonald's
21 and --

22 MR. COPELAND: -- and you.

23 MR. PYLES: And me, yeah. I own the
24 McDonald's, yes.

25 MR. COPELAND: Now, sitting before this

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1 committee, do you have the authority to represent
2 McDonald's?

3 MR. PYLES: Yes, I do.

4 MR. SCHRIMPF: Mr. Chairman?

5 CHAIRMAN BOHL: Are you trying to clarify
6 what I just said here?

7 MR. SCHRIMPF: I am, Mr. Chairman.

8 CHAIRMAN BOHL: Do you want us to pause for
9 a second so we don't take an action that you're going
10 to yell at us about here in a moment?

11 MR. SCHRIMPF: Oh, Mr. Chairman, I would
12 never yell at you nor the committee.

13 ALDERMAN DUDZIK: Not on T.V.

14 CHAIRMAN BOHL: While you are double-
15 checking what I provided in terms of an advisory to
16 the committee, we'll take this matter into committee,
17 and unless you have a follow-up question, --

18 ALDERMAN WITKOWSKI: I have one more
19 question.

20 CHAIRMAN BOHL: Go ahead.

21 ALDERMAN WITKOWSKI: Alderman Davis, as far
22 as the hours on one night a week, what were those
23 hours again?

24 ALDERMAN DAVIS: The hours were from 5 a.m.
25 to 12:00 a.m., Monday through Fridays, 6:00 a.m. to

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1 1:00 on Saturdays, and 5 a.m. to 12 a.m. on Sunday.

2 ALDERMAN WITKOWSKI: And your feeling on
3 that one hour?

4 ALDERMAN DAVIS: Well, you know, I try not
5 to play favoritism to any business in the area. I
6 told them that I would not be supportive, just to
7 anyone who came before that wanted me to support any
8 extended hours, and I specifically told them the
9 reason why, and that is because of, you know, the
10 folks that's in that particular neighborhood who have
11 been impacted by this type of activity. I told them
12 that I would not be supporting any extended hours, but
13 I understand it is the purview of the committee on
14 whatever decision that you make.

15 CHAIRMAN BOHL: It is the purview of the
16 committee. I appreciate that, Alderman Davis, and as
17 I said, I appreciate what your position is on this
18 matter.

19 I do want to let the committee know that we
20 did undertake a decision here based on the existence
21 of a current 24-hour operation with a gas station on
22 76th and Mill Road based on their present hours of
23 operation, and in part, due to the advice of -- I know
24 the decision is always a purview of the committee, and
25 Mr. Schrimpf will not claim otherwise, but due at

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1 least in part to the advice of the Assistant City
2 Attorney who serves as the advisor to this body, --

3 MR. SCHRIMPF: Mr. Chairman, I frankly don't
4 see in the ordinance any language to what the chairman
5 was referring to. I think how this may have been
6 explained is that if the person submits an application
7 for certain hours, the plan of operation itself could
8 be amended and then that be approved by the committee,
9 in which case you might have something that would run
10 till 1 a.m. or 2 a.m. on certain days.

11 The problem is, as I'm looking at the plan
12 of operation for this establishment, it says 12 a.m.
13 to 11:59 p.m., which is 24 hours, so what this
14 applicant is doing is seeking to have that restaurant
15 open -- at least the drive-through piece of it, --
16 open 24 hours, not to 1:00 in the morning.

17 CHAIRMAN BOHL: And essentially all that we
18 have purview over is 12 a.m. to 5 a.m. anyways.

19 MR. SCHRIMPF: Well, that's true.

20 CHAIRMAN BOHL: It would have permission to
21 do otherwise through the zoning.

22 MR. SCHRIMPF: But what I think -- See, I
23 think what the committee is going to have to do is,
24 much like you do in the case of somebody who wants a
25 tavern dance license. In other words, you get them to

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1 amend it at the time of the hearing. So I think
2 that's how that would work.

3 CHAIRMAN BOHL: Okay. That's fine, that's
4 fine. We're learning the process because this is new
5 legislation. This is the first go-around here. Okay.
6 This matter is in committee.

7 Mr. Pyles, you can take your chances here
8 with the existing hours, 24 hours, or you can seek to
9 amend this if you so desire to what you may currently
10 have, you can do anything in between if you choose to
11 amend it. We'll give you the opportunity if you want
12 to do that now, otherwise we're going to take the
13 hours that you have in your plan of operation and make
14 a decision on that.

15 MR. PYLES: Well, I would like to at least
16 do it to 3 then, 3 a.m.

17 CHAIRMAN BOHL: What nights of the week
18 would that be? Every night? Seven nights a week?

19 MR. PYLES: 3 a.m.

20 CHAIRMAN BOHL: Okay. So you'll be applying
21 for hours of operation between midnight and 3 a.m.,
22 seven nights a week, and that is what you here on the
23 record are agreeing to amend to?

24 MR. PYLES: Yes.

25 CHAIRMAN BOHL: Okay.

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1 ALDERMAN DAVIS: Mr. Chairman?

2 CHAIRMAN BOHL: Alderman Davis.

3 ALDERMAN DAVIS: I don't want to set a
4 precedence in this particular area, because if
5 McDonald's gets approved for 3 a.m., then Harold's
6 Chicken is going to want 3 a.m., and then Popeye's
7 Chicken is going to want 3 a.m. People are going to
8 start seeing property along Appleton Avenue are going
9 to bid for 3 a.m., and the next thing you know, I'm
10 going to start losing some good residents that's in
11 that area, and I'm not willing to compromise at this
12 particular time, so I would hope that the committee
13 would deny that particular request.

14 CHAIRMAN BOHL: Okay. We are now in
15 committee, and what we have before us is the plan of
16 operation from 12 midnight to 3 a.m., seven nights a
17 week. Is there a motion by committee at this point?

18 ALDERMAN WITKOWSKI: Mr. Chairman?

19 CHAIRMAN BOHL: Alderman Witkowski.

20 ALDERMAN WITKOWSKI: I will move to deny
21 based on adverse impact on the health, safety and
22 welfare of the neighborhood.

23 CHAIRMAN BOHL: The motion by Alderman
24 Witkowski would be denial of the application based on
25 the adverse impact to the health, safety and welfare

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1 of the neighborhood. Is there any discussion on that
2 matter? Are there any objections? Hearing and seeing
3 none, so ordered. Thank you, Mr. Pyles. We wish you
4 continued luck.

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