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CITY OF MILWAUKEE

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LICENSES COMMITTEE

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In the Matter of the Extended Hours Establishment
renewal application for:

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JASJEET SINGH, Agent
S&V Partnership, LLP
J&H GAS AND FOODMART
2514 North 27th Street

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COMMITTEE MEMBERS

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ALD. JAMES BOHL - Chair
ALD. MILELE COGGS, - Vice-Chairman
ALD. ASHANTI HAMILTON
ALD. T. ANTHONY ZIELINSKI
ALD. NIK KOVAC

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LICENSING DIVISION by REBECCA GRILL
POLICE DEPARTMENT by SEARGENT CHET ULICKEY
OFFICE OF THE CITY ATTORNEY by ATTORNEY BRUCE SCHRIMPF

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Proceedings had and testimony given in
the above-entitled matter, before the LICENSES
COMMITTEE OF THE CITY OF MILWAUKEE, on
the 6th day of May, 2008.

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P R O C E E D I N G S

CHAIRMAN BOHL: Next on our item is Jasjeet Singh, Agent for S&V Partnership, LLP, Extended Hours Establishment Renewal Application for J&H Gas and Foodmart at 2514 North 27th Street. Good morning to you here. And we will - - We'll have to swear all individuals in. Good morning, Mayor Pratt.

MR. PRATT: Good morning, Mr. Chairman. (Whereupon those present were sworn.)

CHAIRMAN BOHL: And for the Applicant here. Do you acknowledge receiving notice of today's meeting with the possibility your application could be denied? It is cited for an attached police report, as well as a variety of neighborhood objections that are listed in the notice?

THE APPLICANT: Yeah.

CHAIRMAN BOHL: Thank you. Ms. Grill.

MS. GRILL: This is a renewal application, so there's no hold.

CHAIRMAN BOHL: No holds. Okay. And, Sergeant?

SERGEANT ULICKEY: On 2/4 of '08 at 9:22 a.m. officers were dispatched to the gas

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1 station, 2514 North 27th Street for a strong-arm
2 robbery. The manager, Kanwar Singh, called for
3 the victim. The victim stated he was at the
4 pumps when he was approached by two black male
5 subjects, who demanded his wallet. When he
6 refused, he was punched in the face and head, and
7 his wallet was taken from his pants pocket. The
8 subjects fled on foot. Officers interviewed the
9 manager, Kanwar Singh, who stated that he
10 recognized one of the subjects involved as a guy
11 who hung around the gas station and did odd jobs
12 for him. Mr. Singh was able to provide the
13 subject's information to the officers, which led
14 to the arrest of both subjects.

15 On 2/12 - - I'm sorry - - 2/22 of '08
16 at 2:40 a.m. officers were dispatched to a
17 property damage complaint at 2514 North 27th
18 Street. Unknown actor was disorderly and caused
19 damage to wiring at this location. The known
20 subject was cited.

21 On 3/2 of '08 at two p.m. officers were
22 dispatched to a subject with a gun and a battery
23 at the gas station, 2514 North 27th Street.
24 Officers spoke with the manager, Kanwar Singh,
25 who stated that he called the police when he

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1 observed a group of juveniles attack another
2 juvenile on a bicycle. Mr. Singh brought the
3 victim, who was not injured, inside while waiting
4 for the police. Mr. Singh knew one of the actors
5 as Joran, and that Joran had a gun at the
6 previous incident at the gas station, not today.
7 Mr. Singh and the victim both stated that the
8 group of juveniles hung out - - or hang out in
9 the area and like to cause trouble at the gas
10 station. No arrests were made.

11 On 3/17 or '08 at 7:47 p.m. officers
12 were dispatched to an armed robbery at 2514 North
13 27th Street. No weapons were displayed and the
14 offense was filed as a theft. Employee related
15 that three actors walked into the store and
16 started stealing things. So the employee locked
17 them in the store. While locked in, one of the
18 patrons passed chips and soda through the
19 security gate. The employee heard one of the
20 suspects say they lived in the area and would get
21 him. So he opened the security gate and let them
22 go before police arrived.

23 And on 3/30 of '08 community liaison
24 officer, Timothy Kupsik, filed a PA-33 regarding
25 the gas station and convenience store at 2514

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1 North 27th Street. CLO Kupsik mailed letters
2 regarding chronic nuisance activity at that
3 location on 4/27/07, 12/3/07 and 2/6 of '08.
4 Calls for service eligible for billing amounted
5 to 1,001 dollars and 74 cents were issued. And a
6 citation for chronic nuisance premise was issued
7 to the applicant. That citation is set for
8 arraignment on 5/28 of '08, and Mr. Chair, we do
9 have Officer Kupsik here today.

10 CHAIRMAN BOHL: Thank you. For the - -
11 For the committee's edification, the extended
12 hours license applies to a - - a business,
13 whether it be a gas station, a convenience store,
14 a fast-food or - - or sit-down style family
15 restaurant that operates between the hours, to
16 allow them to operate between the hours of
17 midnight and five a.m. And as a result, even
18 though we have a number of items on our police
19 report, the only ones that will be applicable
20 will be items number two and five. You'll note
21 that items number three is something occurred at
22 two o'clock in the afternoon. Item four occurred
23 at 7:47 p.m., and item number one took place at
24 9:22 a.m. What we are looking for when we rule
25 on these items are items that are specific to

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1 concerns between the hours of operation between
2 midnight and five a.m. If there is any concerns
3 about other activity occurring at other times
4 that would apply as a zoning matter, it would
5 have to go before the Board of Zoning Appeals if
6 there is a special use permit. It is not under
7 the discretion of this individual committee. Are
8 there any questions relating to that?

9 Mayor Pratt, are you consulting with
10 Mr. Singh here?

11 MR. PRATT: Yes, I am.

12 CHAIRMAN BOHL: Are there any questions
13 you have relating to the items on the police
14 report here, specifically items two or five?

15 MR. PRATT: No, Mr. Chair. Just
16 general comment.

17 CHAIRMAN BOHL: Let me just see if
18 there's any questions first by the committee.
19 Are there any questions by the committee, of
20 items on the police report at this time?

21 ALDERMAN KOVAC: Yeah. Could you
22 explain what the chronic - - chronic nuisance
23 complaints were?

24 OFFICER KUPSIK: Well, they're
25 numerous. The chronic nuisance in this case, and

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1 I have brought information, I thought the board
2 would like to see it. This goes back to August
3 27th of 2007 when the initial letter was sent out
4 to the ownership. The ordinance states that
5 somebody has ten days from the time they receive
6 the letter to reply in writing with a plan. That
7 was never done. Throughout the process,
8 throughout the buildings, through everything that
9 went on, there was never any sort of written
10 correspondence back to my office, to my Captain.
11 It wasn't until they became eligible for the - -
12 the 3,000 dollar citation that can be given under
13 the chronic nuisance property, that we finally
14 were able to get a sit-down meeting and try to
15 come to some sort of understanding that we, as
16 the police department, as the Third District,
17 felt that they were leaning too heavily on us for
18 security issues, and at that point, you know, we
19 came to some agreements and accepted his plan at
20 that point, after kind of all this has happened
21 now. The acceptance letter is just of April of
22 this year. So you can see that it had taken, you
23 know, quite some time, eight months of - - of
24 billing and letters to finally get to some sort
25 of agreement with the ownership.

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1 CHAIRMAN BOHL: Officer, could you, for
2 the record, please identify yourself?
3 OFFICER KUPSIK: I'm Officer Thomas
4 Kupsik, K-U-P-S-I-K.
5 CHAIRMAN BOHL: And you are from the -
6 -
7 OFFICER KUPSIK: Third District
8 Community Liaison Officer.
9 CHAIRMAN BOHL: You are the CLO.
10 OFFICER KUPSIK: To our nuisance
11 property abatement.
12 CHAIRMAN BOHL: Okay. The - - The - -
13 The law under 80-10 enables you to establish a
14 premises as a nuisance premises, based on
15 individual calls. What it does is it - - it - -
16 it does stipulate for - - for the - - the
17 property and for others that a property has drawn
18 undue police attention. This is not necessarily
19 specific to activities during the midnight to
20 five a.m. hours. Is that correct? These are
21 just - -
22 OFFICER KUPSIK: Right. These are just
23 specific to that time. I - - I went ahead, and,
24 again, if you'd like to see the information, I
25 prepared a few charts that show over the - - from

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1 January 1st, 2007 until April 30th, 2008, when
2 the calls for service were coming in by time of
3 day and number of calls per month over that time.

4 CHAIRMAN BOHL: Okay. That would be
5 fine here if - - if you do have a copy that you
6 could provide to the applicant - -

7 OFFICER KUPSIK: Sure.

8 CHAIRMAN BOHL: - - that would be
9 helpful, please.

10 MR. SCHRIMPF: Mr. Chairman, I have a
11 quick question.

12 CHAIRMAN BOHL: Mr. Schrimpf.

13 MR. SCHRIMPF: Thank you. Officer
14 Kupsik, I - - I'm a little confused by your
15 testimony. I heard you to say that the first
16 chronic nuisance letter went out in August of
17 2007.

18 OFFICER KUPSIK: Correct.

19 MR. SCHRIMPF: But item number five
20 indicates chronic nuisance activity on April 27th
21 of '07. And, in fact, there's no August, '07
22 date referenced in item number five.

23 OFFICER KUPSIK: I'm not familiar with
24 - - I don't have what you're looking at in front
25 of me to see what you're - -

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1 MR. SCHRIMPF: Well, maybe it will be
2 resolved by the documents here.
3 MR. PRATT: Mr. Chair.
4 CHAIRMAN BOHL: Mayor Pratt.
5 MR. PRATT: If I could, thank you.
6 Marvin Pratt. I live at 4045 North 16th Street.
7 If I recall, the chronic nuisance ordinance was
8 really created on - - and enacted really for - -
9 for residential properties where you had
10 landlords who had tenants whose calls of
11 disturbance and repeated calls for service from
12 the police department. And so to recoup some of
13 that - - some of that money for the calls of
14 service we created, and I was on the Council at
15 the time, the chronic nuisance ordinance. And
16 where each - - where the owner of the property
17 would be fined. I would - - I would call your
18 attention to that this hasn't been adjudicated as
19 a yet on 5/28 - - 5/28/08. So he does - - Mr.
20 Singh does have his day in court coming. The
21 other thing, you know, as I look at this, use
22 this after three occasions. I'm looking at
23 February, '06 as - - as Attorney Schrimpf pointed
24 out, February, '06, April, '07, December, '07, I
25 guess those are the ones that are cited. If - -

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1 If you were talking - - those are negative kinds
2 of things, insofar as just the calls coming to -
3 - coming to the department and their response,
4 and we know we want to ensure that we have - -
5 we're utilizing police time correctly.

6 But I would like to call your attention
7 to number one, number three and number four where
8 you have the operator of this store cooperating
9 and possibly cooperating on number one, who said
10 that he recognized one of the subjects involved
11 in the gas station, and they were able to provide
12 information to the officers who led to the arrest
13 of both subjects involved. The - - The second,
14 I'll point out that Mr. Singh came to the aid of
15 the victim and stated that a group of juveniles
16 hanging out in the area liked to cause trouble at
17 the gas station. No arrest was made. And on the
18 third, the employee heard one of the sus - - one
19 of the suspects say they lived in the area and
20 would - - and would get him. He locked them in
21 the store. He has put in 100,000 dollars into
22 the interior of - - of the store. Even on - -
23 Even on the second one, the disorderly conduct
24 was to his building. So, I mean, and - - and
25 unless and until, and I - - and I understand

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1 Officer Kupsik, are you related to Officer Tim
2 Kupsik?

3 OFFICER KUPSIK: No.

4 MR. PRATT: Okay. All right. I just
5 had to - - That's just wrong. A little levity
6 here this morning.

7 I understand Officer Kupsik, and I have
8 no excuse for my client not responding as he
9 should have to the - - to the police - - to the
10 police asking him to come down to explain why all
11 the calls for service. But I would say to you
12 that this is one of the few stores, and went into
13 the store, this is one of the few stores that
14 keep their - - the convenience store open at
15 night, where you can walk in the store at night.
16 I don't know if, maybe you shouldn't - - you
17 shouldn't do that. Maybe you should have the
18 window, like everyone else has the window. But
19 he has the store that's open at night, and people
20 can come into the store. So, I guess I would ask
21 you to consider that in your deliberations.

22 CHAIRMAN BOHL: Mayor Pratt, just one -
23 - one issue with - - with one of the comments
24 that you raised.

25 MR. PRATT: Okay.

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1 CHAIRMAN BOHL: The - - The - - I think
2 that you are correct in terms of the nuisance
3 property code, the strong intent was to really
4 focus on - - on absentee owners and - - and the
5 calls for service that were being rendered to
6 those properties. It - - It was - - It is
7 applicable to all residential and commercial
8 buildings in the City of Milwaukee, and - - and,
9 therefore, can be applied to - - to both
10 commercial and retail businesses, and has been,
11 as well, too.

12 The - - But what I just want to inquire
13 here with Mr. Schrimpf. Mr. Schrimpf, the - -
14 the data that has been provided here largely
15 looks to be CAD-type material. Some of them are
16 an assortment of letters. However, the - - the,
17 at least for part of the materials here that are
18 CAD reports, and that's - - those are the
19 Computer Automated Dispatches that the police
20 department uses in their - - for - - for new
21 members here, as part of their tracking of calls
22 for service. These are not materials that the
23 applicant was afforded here as part of the police
24 record. Is that problematic?

25 MR. SCHRIMPF: I have been thinking

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1 about that. It is true this was not provided to
2 the applicant ahead of time, and normally it is
3 desirable to do that. However, item number five
4 does reference the nuisance activity.

5 MR. RUNNER: Mr. Chairman, if I could
6 interject, if it's appropriate. President Hines,
7 in light of the arraignment later this month and
8 perhaps also the applicant not being aware of
9 those charges, would request that it be held a
10 cycle. If the committee is intent on hearing it,
11 then he - - he cannot lend his support based on
12 the residents and whether it's a nuisance in the
13 technical sense, it's definitely a nuisance, the
14 fact that it's open 24 hours is definitely a
15 nuisance to the residents, in the vernacular. We
16 have one outstanding resident here who has been
17 in constant communication with the alderman's
18 office, and although the City of Milwaukee has
19 done quite a bit to curb cruising throughout,
20 this is one of the last bastions of cruising
21 during the midnight to five a.m. period around
22 27th to Fond du Lac. And just the fact that it's
23 open just attracts a lot of noise, a lot of
24 people. The license has expired at this point,
25 and it's been - - it's made a difference from

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1 what we hear from the residents. We would
2 request that it be held. But if you're intent to
3 hear it, then President Hines does recommend or
4 does have some issues and cannot support the 24
5 hours.

6 CHAIRMAN BOHL: Ms. Grill, when did
7 this license expire?

8 MS. GRILL: All extended hours licenses
9 expired on April 30th.

10 CHAIRMAN BOHL: Okay. So this has - -
11 This has been closed for - -

12 MS. GRILL: It expired on April 30th.

13 CHAIRMAN BOHL: So this has been closed
14 now for a little less than a week, or perhaps
15 about a week.

16 MS. GRILL: Should have been, yes,
17 between 12 and five a.m.

18 CHAIRMAN BOHL: Thank you. I just want
19 to hear from Mr. Schrimpf, again, on the
20 materials here.

21 MR. SCHRIMPF: Well, if the matter is
22 held, then this - - these materials can be re-
23 noticed. I - - I would feel more comfortable,
24 Mr. Chairman, had the - - had these materials
25 been provided to the applicant ahead of time. I

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1 think - - I think you got a problem here with - -
2 with notice.

3 CHAIRMAN BOHL: We're not going to - -
4 We're not going to make it part of the record.
5 But what I'm going to say right now is, is we do
6 have a problem in that unless the applicant is
7 willing to have the item held at his own - - and
8 request it of the committee, we can take a motion
9 on that. We - - We can actually do that. What I
10 will say is, is that there is no requirement here
11 if the applicant to - - to oblige by such a
12 request, and furthermore, that doing so, he may
13 be able to garner injunctive relief, probably
14 rather easily, based on the fact that this is a
15 renewal of an existing license with a
16 - - with a vested property right. So.

17 MR. SCHRIMPF: It may not be all that
18 easy, Mr. Chairman.

19 CHAIRMAN BOHL: All right. I just want
20 to - -

21 OFFICER KUPSIK: Mr. Chairman, can I
22 comment?

23 CHAIRMAN BOHL: Sir. Officer Kupsik,
24 if you - - if you would hold on?
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1 OFFICER KUPSIK: Sure.

2 CHAIRMAN BOHL: There is - - There are
3 a set of rules and procedures to the garnering of
4 this committee. Normally we go through a process
5 of where we hear A, then B, then C, and it
6 actually is spelled out in the ordinance. So I
7 will, if I may, I will try to direct the
8 committee. Mayor Pratt, are there any - - any
9 other comments you have in terms of here
10 providing an opening?

11 MR. PRATT: Yes, you know, the resident
12 who sits to my left, I do know her. She's a
13 friend of mine I've known for years. I would
14 just - - I had talked to - - to Mr. Singh, and
15 maybe one of the ways we could move is I would
16 ask, and hear the - - Alderman Hines comments.
17 And I did speak to him briefly this past Friday,
18 if we could ask for a two o'clock closing.

19 CHAIRMAN BOHL: Okay. So you are
20 actually seeking to - -

21 MR. PRATT: That's right.

22 CHAIRMAN BOHL: - - modify - -

23 MR. PRATT: That's right.

24 CHAIRMAN BOHL: - - the application.

25 Okay. All right. We will - - will - - This

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1 doesn't mean that we have to approve that.

2 MR. PRATT: I understand.

3 CHAIRMAN BOHL: But what - - what we
4 will do is we will just have Alderman Zielinski
5 move to - - to accept the applicant's desire to
6 amend the application for opening operations that
7 would be seven days a week from midnight to two
8 a.m. And hearing no objections to that, so
9 ordered.

10 THE WITNESS: I object.

11 CHAIRMAN BOHL: Ma'am, I understand.

12 THE WITNESS: Okay.

13 CHAIRMAN BOHL: That doesn't mean that
14 we are approving this. What we're doing is, is
15 making an amendment to his application. Then we
16 can approve, we can suspend or we can deny that
17 license. But all we're doing is accepting an
18 amendment.

19 THE WITNESS: I haven't been - - What I
20 want to know is - -

21 CHAIRMAN BOHL: If - - If you - -

22 THE WITNESS: Can you talk to me,
23 because I live directly in back of the premises?

24 CHAIRMAN BOHL: I - - I - - I do intend
25 to do that. As I - - As I indicated in the

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1 procedure, normally - - normally the applicant
2 makes an opening statement. Then we hear from
3 neighbors.

4 THE WITNESS: Okay.

5 CHAIRMAN BOHL: Then we hear from - -
6 from the Alderman's office, okay. So I will get
7 to you here.

8 THE WITNESS: Thank you.

9 CHAIRMAN BOHL: And I understand and
10 appreciate your patience here. I do want to hear
11 from the - - the Alderman's office.

12 MR. RUNNER: I do apologize, Mr. Chair,
13 for interjecting too early. In light of the new
14 application, I think President Hines' office
15 would ask that it be held.

16 CHAIRMAN BOHL: Okay. I'm going to
17 want to hear now from you, ma'am, if you could
18 identify your name and your address for the
19 record.

20 THE WITNESS: Okay. My name is
21 Patricia Shelton. I live at 2503 North 26th
22 Street. I live directly in back of the filling
23 station. I've lived at - - at this address for
24 27 years.

25 Ever since this establishment opened,

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1 we've had problems. And this usually happens
2 after 12 midnight. There have been numerous
3 fires in the back that the pol - - fire
4 department has been called out because of
5 dumpster problems. We have problems with trash
6 and vermin. You name it. There's all kind of
7 things that go on after midnight, because there
8 are kids out after curfew hours. And I have call
9 - - I have numerous complaints that I have,
10 they've gone out, the building inspection
11 department, I've kept in touch with Alderman
12 Hines' office. It's been - - But nothing's been
13 done about it. And during the hours of 12 and
14 four o'clock in the morning, we clean up when we
15 come home, it's a party going on. And I'm tired
16 of it.

17 CHAIRMAN BOHL: Ma'am, is this activity
18 just traditional customers? It - - Is this - -

19 THE WITNESS: There are a lot of
20 youngsters out after hours.

21 CHAIRMAN BOHL: Is this - - Is this
22 relating to cruising-related activity?

23 THE WITNESS: Hanging around filling
24 station, fires, you - - you have to live in the
25 area to know. And it's like you come home at

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1 night, you clean up, you go home. I have been
2 woken up out of a sound sleep because of the
3 activity going on the side of my house. It's
4 continual.

5 CHAIRMAN BOHL: Okay. Thank you. Any
6 - - Any other comments at this time from you,
7 ma'am.

8 THE WITNESS: No.

9 MR. PRATT: Mr. Chair, to - - to Ms.
10 Shelton.

11 THE WITNESS: yes.

12 MR. PRATT: Would you have - - Do you
13 think you - - you wouldn't have those problems if
14 the service station wasn't there?

15 THE WITNESS: I wouldn't have the - -
16 probably the same amount of problems if it was
17 closed at night.

18 MR. PRATT: The same - - You - - In
19 other words, do you think that the young people
20 who hang out wouldn't hang - -

21 THE WITNESS: Would hang out there.

22 MR. PRATT: - - wouldn't - - wouldn't
23 hang out there.

24 THE WITNESS: Right. Exactly.

25 MR. PRATT: But they would - - they

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1 would hang out.

2 THE WITNESS: I don't know - - They
3 probably wouldn't hang out on that corner,
4 because there's nothing to do.

5 CHAIRMAN BOHL: Questions by committee
6 of - - of Ms. Shelton.

7 MR. SCHRIMPF: Mr. Chairman.

8 CHAIRMAN BOHL: Mister - - Alderman
9 Kovac first.

10 ALDERMAN KOVAC: Yeah, Ms. Shelton.
11 Could you elaborate what you mean by fires?

12 THE WITNESS: Dumpster fires. There -
13 - I can remember at least five or six, they've
14 been called out to put the fires out.

15 ALDERMAN KOVAC: And what time?

16 THE WITNESS: Two, three o'clock in the
17 morning.

18 MR. PRATT: If I could, Mr. Chair?

19 CHAIRMAN BOHL: Go ahead.

20 MR. PRATT: Have you had any - - Ms.
21 Shelton, have you had any conversations with the
22 owner - -

23 THE WITNESS: Yes.

24 MR. PRATT: - - of the - - what - -

25 THE WITNESS: Yes, I have.

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MR. PRATT: And - -

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THE WITNESS: In fact, I've picked up
trash and gone inside and dumped it.

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MR. PRATT: Okay. What - - What was
there - - When I went in the store, quite
candidly, the store was very clean.

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THE WITNESS: No.

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MR. PRATT: Inside the store?

9

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THE WITNESS: I don't know about
inside. I'm referring to the outside.

11

12

MR. PRATT: And when I went to the
store, at least two or three times, the exterior
of the store, maybe they knew I was coming, but
it was clean in the back, too.

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15

THE WITNESS: I live in the
neighborhood. I'm sorry, Marvin, but I live in
the neighborhood. I pick up continually.

16

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MR. PRATT: I'm not saying it's not
true. I'm saying - - I don't think you're - -

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THE WITNESS: Okay.

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22

MR. PRATT: - - not telling the truth
here.

23

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CHAIRMAN BOHL: Alderman Kovac, did you
have any follow-up?

25

ALDERMAN KOVAC: And this - - these

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1 problems have gotten worse since the
2 establishment opened?

3 THE WITNESS: Yes. We had no problems
4 before it opened.

5 ALDERMAN KOVAC: How long have - -

6 THE WITNESS: I talked to the owner on
7 numerous occasions to ask them to keep the
8 property clean. They may do it for a couple
9 days, and then when I complain to the alderman's
10 department, they send someone out from the
11 building inspection. They're issued citations.
12 The keep it clean for a week or so, and we're
13 back to it again. And this goes on - - I had to
14 pay someone money to clean up the debris from the
15 station. And this - - Every Spring I have to do
16 that, because I have a fence there I had to put
17 up. Otherwise, it would blow in my yard.

18 ALDERMAN KOVAC: And from your
19 observations as a neighbor, this litter, it's
20 coming from the store, from the patrons of the
21 store or from people - -

22 THE WITNESS: No place else. That's
23 the only - - I've watched the kids come
24 through - -

25 COURT REPORTER: Only one of you may be

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1 asking questions at a time. I can't take down
2 two people at once.
3 THE WITNESS: I'm sorry.
4 COURT REPORTER: I know. That's just
5 normal.
6 CHAIRMAN BOHL: She's good. She's
7 good, but not that good.
8 THE WITNESS: Okay.
9 ALDERMAN KOVAC: To the best of your
10 knowledge, where is this litter and trash coming
11 from? People who are - -
12 THE WITNESS: From - - From the - -
13 ALDERMAN KOVAC: - - buying things from
14 the store and - -
15 THE WITNESS: Yes.
16 ALDERMAN HAMILTON: Mr. Chair.
17 THE WITNESS: I've sit and watched
18 them.
19 CHAIRMAN BOHL: Other questions by
20 committee?
21 ALDERMAN HAMILTON: Mr. Chair.
22 CHAIRMAN BOHL: Alderman Hamilton.
23 ALDERMAN HAMILTON: Um - -
24 THE WITNESS: I would also like to
25 mention I have bullet holes in the back of the -

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1 - my property from people shooting guns off, and
2 they have to come from that direction, because
3 they're in the back of the house.

4 CHAIRMAN BOHL: Okay. Thank you.
5 Alderman Hamilton?

6 ALDERMAN HAMILTON: What's it been like
7 since the license expired? What's been the
8 difference?

9 THE WITNESS: I didn't know they were
10 closed. I really didn't, because I'm still
11 hearing kids out on the side of the house at
12 night, and I look out and the lights are on at
13 the establishment. So has it been closed?

14 ALDERMAN HAMILTON: Well, I guess that
15 question would go to Mr. Singh. Since April
16 30th, have - - have you closed down the store,
17 pursuant to - -

18 THE APPLICANT: No.

19 THE WITNESS: Okay.

20 CHAIRMAN BOHL: So you have been
21 operating?

22 THE APPLICANT: Some like maybe - -
23 maybe 30, 40 minutes to close, that's the only,
24 when I clean up inside.

25 MR. PRATT: Mr. Chairman.

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1 CHAIRMAN BOHL: Yes.

2 MR. PRATT: Let me suggest to you and
3 to other committee members that I would advise
4 that you would have to send a letter to all those
5 stores to say don't operate, you should not be
6 operating after April 30th, because I would
7 suggest to you that the majority of them who may
8 come before you for extension of licenses, based
9 on from 12 to five, are still operating.

10 ALDERWOMAN COGGS: Mr. Chairman.

11 CHAIRMAN BOHL: One - - One moment.
12 Alderman Hamilton first if he still has
13 questions.

14 ALDERMAN HAMILTON: Okay. I thought
15 that there would be - - I could get some
16 testimony about the difference, but apparently -
17 -

18 THE WITNESS: There is no difference.
19 Right.

20 ALDERMAN HAMILTON: - - there - -
21 there hasn't been, so there's nothing to compare
22 it to.

23 THE WITNESS: Exactly.

24 MR. PRATT: Mr. Singh - -

25 ALDERWOMAN COGGS: Mr. Chairman.

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1 CHAIRMAN BOHL: Hold - - Hold on. You
2 know what? I know this is the first meeting of
3 the new session, and everyone wants to talk.
4 We'll get to you all here. Alder - - Alderwoman
5 Coggs.

6 ALDERWOMAN COGGS: I want a
7 clarification. I know earlier when we heard the
8 representative from Alderman Hines' office say
9 that there was a difference, and I know that the
10 question that was just asked Mr. Singh was not
11 clear to me. So I just want to reask it for
12 clarity's sake. Have you been closed between 12
13 p.m. and five a.m. since April 30th?

14 MR. PRATT: No.

15 THE APPLICANT: No.

16 ALDERWOMAN COGGS: Then I have a
17 follow-up.

18 CHAIRMAN BOHL: Please.

19 ALDERWOMAN COGGS: Of the Alderman's
20 representative, and of - - of what were you
21 speaking?

22 MR. RUNNER: We did get - - We get
23 numerous calls from these residents - - from
24 residents in the area, not only Ms. Shelton, and
25 one - - we did have a call from a resident relate

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1 to me that - - that the expiration date, that
2 they had been closed one night. It turns out, I
3 guess, that they weren't following that
4 expiration date. So I don't know what that
5 resident was referring to. Maybe they just
6 passed by when there wasn't a lot of traffic that
7 night and assumed that they were closed. But it
8 does seem that they've been violating the
9 expiration date.

10 And I would like to quickly add, if I
11 may, that we have ten million dollars of
12 investment in the Wesley Scott Center right by.
13 We have the Next Door Foundation. This whole
14 area is on a trajectory that's very positive, but
15 the exterior of this particular building has not
16 been updated. We - - We've not gotten the
17 response from this owner that we had hoped for,
18 and so I would, once again, you know, suggest
19 that President Hines does strongly recommend
20 denying, but then - - but would rather hold it to
21 meet with the owner in - - in light of the new
22 application.

23 CHAIRMAN BOHL: Okay. Alderwoman
24 Coggs, are you finished?

25 ALDERWOMAN COGGS: Yes.

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1 MR. SCHRIMPF: Mr. Chairman.

2 CHAIRMAN BOHL: Mr. Schrimpf.

3 MR. SCHRIMPF: Thank you. First of
4 all, Ms. Shelton, I recall your testimony, that
5 you said you picked up some debris and you dumped
6 it. Where did you dump it?

7 THE WITNESS: Inside the - - Inside of
8 the filling station. It was a bag of garbage I
9 picked up. I pick on a average daily a bag of
10 garbage in the summertime.

11 MR. SCHRIMPF: And this is on your
12 property?

13 THE WITNESS: Yes.

14 MR. SCHRIMPF: And you dumped it on his
15 prop - - back onto his property?

16 THE WITNESS: Right. Exactly.

17 MR. SCHRIMPF: And when - - First of
18 all, how frequently are you disturbed and woken
19 at night by noise and that kind of thing?

20 THE WITNESS: Almost every night.

21 MR. SCHRIMPF: And is this worse in the
22 summer?

23 THE WITNESS: It's worse in the summer.
24 And we get some type of reprieve in the winter,
25 because kids aren't out as much.

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1 MR. SCHRIMPF: And are you able to see
2 the kids at the gas station from your house?

3 THE WITNESS: Oh, sure.

4 MR. SCHRIMPF: So you have no doubt
5 that this is - -

6 THE WITNESS: That's where they're
7 coming from.

8 MR. SCHRIMPF: - - caused by - -

9 THE WITNESS: Exactly.

10 MR. SCHRIMPF: - - people at the gas
11 station.

12 THE WITNESS: I have left going out of
13 town at three o'clock in the morning, and gone by
14 the gas station, and they've got a regular party
15 going on, on the outside.

16 MR. SCHRIMPF: Are these individuals
17 who are filling up their cars, or are they
18 just - -

19 THE WITNESS: No, they're just hanging
20 around the filling station. The same thing with
21 the Tot Lot across the street from me.

22 MR. SCHRIMPF: Okay. Now, you - - you
23 indicated that you didn't think if - - if this
24 place were to close between midnight and five
25 a.m., you indicated that you didn't think there

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1 would be much difference.

2 THE WITNESS: I really don't.

3 MR. SCHRIMPF: And why do you believe
4 that?

5 THE WITNESS: Because of the kids that
6 are in the neighborhood. They have to have
7 someplace to go. I know that this is a drawing
8 point for them, because there are - - they - -
9 they go in and buy things and come out. And it
10 could be a difference. I don't know. But right
11 now, I can only tell you what I've had since they
12 opened.

13 MR. SCHRIMPF: Now, when you've
14 experienced these disturbances, have you heard
15 gunfire?

16 THE WITNESS: I'm sorry?

17 MR. SCHRIMPF: Have you heard gunfire
18 when you've experienced these disturbances?

19 THE WITNESS: Oh, yeah. Every night we
20 have guns going off.

21 MR. SCHRIMPF: And how many bullet
22 holes do you have in the back of your house?

23 THE WITNESS: There's a bunch of them.
24 The - - The house is sprayed across the top. And
25 we have been - - We can sit there at night and

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1 you can hear at certain times. This is usually
2 after midnight, someone goes out, they shoot off
3 guns. I don't know where they're coming from,
4 because I've tried to stay out of the window.

5 MR. SCHRIMPF: That's all I have, Mr.
6 Chairman. Thank you.

7 CHAIRMAN BOHL: Thank you.

8 MR. PRATT: Mr. Chairman. I just have
9 one other - - one - - two comments.

10 CHAIRMAN BOHL: Follow-up.

11 MR. PRATT: To Ms. Shelton.

12 THE WITNESS: Yes.

13 MR. PRATT: The - - Is the Top Lot an
14 attractive nuisance, also?

15 THE WITNESS: I have been working with
16 the police on that. They've kind of curbed the
17 - - But I know that there were kids that sit
18 over, drink, smoke dope, the whole ball of wax.

19 MR. PRATT: My question was that is the
20 attract - - Is the Tot Lot an attractive
21 nuisance?

22 THE WITNESS: Not lately.

23 MR. PRATT: Oh, it - - It had - -

24 THE WITNESS: Because of the
25 wintertime.

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MR. PRATT: - - It has - - It - -

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THE WITNESS: In the summertime it is,
3 but when I call the police, and they do patrol
4 the area, they cut down the traffic.

5

MR. PRATT: Would you say, and I'm kind
6 of - - I'm somewhat familiar with the
7 neighborhood.

8

THE WITNESS: Okay.

9

MR. PRATT: Would you say your
10 neighborhood isn't - - Let me put this - -
11 probably one of the best.

12

THE WITNESS: Yes, I can say that,
13 honestly. But it is coming up. It has to be,
14 because my taxes - - taxes have increased.
15 They've appraised my house up from 26,000 to 84.
16 So something's got to be going on in the
17 neighborhood.

18

ALDERMAN ZIELINSKI: Mr. Chairman.

19

CHAIRMAN BOHL: I think that was
20 thoroughly answered. Alderman Zielinski.

21

ALDERMAN ZIELINSKI: You know, I think
22 it's been - - There's a couple of things that are
23 very clear here. Number one, there's been no
24 response from the owner to the Alderman's office.
25 There's been - - There hasn't been a

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1 satisfactory response to the neighbors with
2 respect to their concerns. It took the police, I
3 don't know how many months of trying to get this
4 gentleman's attention before he finally
5 responded. He hasn't been consistent or been
6 complying with their requirement to not be closed
7 past midnight. I - - I really don't see how we
8 could do anything other than hold this to the
9 Call of the Chair to hash through this, and that
10 would be my motion.

11 CHAIRMAN BOHL: We now have a motion on
12 the floor. The motion by - -

13 ALDERMAN HAMILTON: Mr. Chair, on the
14 motion.

15 CHAIRMAN BOHL: - - Alderman Zielinski
16 is to hold the matter at the Call of the Chair.
17 Who is it that - - Alderman Hamilton, on the
18 motion.

19 ALDERMAN HAMILTON: I just wanted to be
20 sure that - - that we wouldn't be putting
21 ourselves out by holding it over, understanding
22 that the license has already expired.

23 CHAIRMAN BOHL: There is a vested
24 property right in the license. The applicant
25 could seek injunctive relief in a court of law.

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1 It does not mean that it would be granted. It
2 may not aid his case that he did not file on a
3 timely basis. A court could always do that. We
4 - - We do have a three week period, you know,
5 even if - - if he were to want to spend the money
6 and seek injunctive relief, what it does is it
7 just buys him time to get back here in three
8 weeks, and we would still continue to hear the
9 matter. We'd still make a decision at that
10 point.

11 MR. SCHRIMPF: Mr. Chairman, may I
12 comment?

13 CHAIRMAN BOHL: Please, Mr. Schrimpf.

14 MR. SCHRIMPF: Thank you. The reason
15 why I would not be particularly - - if it is the
16 decision of the committee to hold the matter, I
17 would not be particularly troubled by that.
18 Because it's pretty clear that the committee is
19 holding it in order for the Alderman to attempt
20 to work with the building owner in the resolution
21 of some of these problems. Isn't that correct?

22 MR. RUNNER: That's correct.

23 MR. SCHRIMPF: And a - - if - - if
24 these problems are resolved, is it possible that
25 the Alderman might support some form of extended

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1 hour?
2 MR. RUNNER: I can't - - I don't know.
3 MR. SCHRIMPF: Right. But it's
4 possible. Right?
5 MR. RUNNER: I would - - I think it's
6 possible.
7 MR. SCHRIMPF: Based on that, Mr.
8 Chairman, I'm not troubled by this.
9 ALDERMAN KOVAC: Mr. Chair. Can I ask
10 a question of Mr. Singh?
11 CHAIRMAN BOHL: Alderman Kovac.
12 ALDERMAN KOVAC: Are you aware that the
13 trash problem coming from your store may be
14 extending to neighbors' property, and are there
15 any steps you could imagine taking working with
16 neighbors to address that?
17 THE APPLICANT: Yeah.
18 ALDERMAN KOVAC: What would those steps
19 be?
20 THE APPLICANT: I do like a regular
21 clean-up. I do the clean-up three times a day.
22 And like a - - you see anybody see over there,
23 the nice property in that neighborhood. All
24 paint. No any graffiti over there. No trash in
25 the alley by the - - my building, you know. I

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1 clean all the - - fence to all people. And every
2 - - every day, three times.

3 ALDERMAN KOVAC: And what about on
4 neighbors' property, trash?

5 CHAIRMAN BOHL: Alderman, we are - -
6 we're in committee now.

7 ALDERMAN KOVAC: Sure.

8 CHAIRMAN BOHL: I mean, normally during
9 that time we are - - we're going to rule on a
10 motion. It - - Otherwise, I mean, when we talk
11 about the day, if we're going to rule on this
12 motion, actually move to hold it, the time for
13 that question would be to address that three
14 weeks from now, if this motion does pass.

15 ALDERMAN KOVAC: Okay. I just want to
16 put that thought in your mind.

17 THE APPLICANT: Okay.

18 CHAIRMAN BOHL: And I appreciate that,
19 as well, too. That's something that should be
20 ongoing, as well.

21 Are there any other - - Any - - Any
22 other discussion on the motion to hold at the
23 Call of the Chair? Again, Alderman Zielinski
24 moves to hold this matter at the Call of the
25 Chair. Are there any objections to that motion?

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1 Hearing none, so ordered.

2 Ms. Elmer, what I'm going to ask that
3 we do is that we have a transcript of the
4 testimony provided so that we have a refresher of
5 - - of Ms. Shelton's testimony here for the next
6 time this item is held then.

7 MR. SCHRIMPF: And, Mr. Chairman, for
8 Officer Kupsik, his reports can be included with
9 the notice for the next hearing. And if it would
10 be possible, I understand it's difficult for you
11 officers to do this, but if it's possible for you
12 to be present at the next hearing so that we can
13 hear your testimony.

14 OFFICER KUPSIK: I will be here.

15 CHAIRMAN BOHL: We - - We appreciate
16 that. The - - The judicial nature, quasi
17 judicial nature of this committee requires that
18 there be prior notification of these materials to
19 the applicant, and that is why it would have been
20 problematic. But we do appreciate your providing
21 them and your being here, so thank you for your
22 time here, Officer.

23 MR. PRATT: Mr. Chairman, I would

24 ask - -

25 CHAIRMAN BOHL: Mayor Pratt.

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1 MR. PRATT: - - that Ms. Grill's
2 office, for those people who received notices,
3 dated 4/30, I would - - I would venture a guess
4 very strongly that a number of people are still
5 staying open.

6 CHAIRMAN BOHL: Thank you. That's - -
7 Ms. Grill.

8 MS. GRILL: We process over 25,000
9 applications a year, and we have limited staff.
10 So there's expiration dates on all the people's
11 licenses. So I believe it's incumbent on the
12 licensee to know when their license is expired.
13 And we do send notice of when they're expiring,
14 so - -

15 CHAIRMAN BOHL: They do get multiple
16 notices.

17 MS. GRILL: Yes.

18 CHAIRMAN BOHL: Because they get a
19 reminder, too.

20 MR. PRATT: Not that they are
21 understanding.

22 CHAIRMAN BOHL: Thank you.

23 THE WITNESS: Thank you very much. Is
24 there a way that we could be noticed about the
25 meeting that's coming up that some of the

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1 neighbors can be present at it, people that don't
2 want it to stay open?

3 CHAIRMAN BOHL: That is something that
4 can be arranged through - - through your
5 Alderman's office - -

6 THE WITNESS: Okay.

7 CHAIRMAN BOHL: - - at a request of the
8 licenses division that - - that the immediate
9 neighbors be notified here.

10 THE WITNESS: Thank you very much.

11 CHAIRMAN BOHL: Thank you for your
12 testimony, ma'am.

13 * * * * *

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3 STATE OF WISCONSIN)

4)

5 MILWAUKEE COUNTY)

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8 I, JEAN M. BARINA, of Milwaukee Reporters

9 Associated, Inc., 5124 West Blue Mound Road,

10 Milwaukee, Wisconsin 53208, certify that the foregoing

11 proceedings is a full and complete transcript of the

12 J&H Gas and Foodmart portion taken in the foregoing

13 proceedings.

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JEAN M. BARINA

Court Reporter

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Dated this day of May, 2008.

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