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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 License"

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WAQAR HUSSAIN
LISBON PETROLEUM
5505 W. Lisbon Avenue

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COMMITTEE MEMBERS

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ALD. JAMES WITKOWIAK - Chair
ALD. JAMES BOHL, JR., - Vice-Chairman
ALD. WILLIE WADE

11

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LICENSING DIVISION by REBECCA BARRON
NEIGHBORHOOD SERVICES by PANDORA BENDER
HEALTH DEPARTMENT by KEVIN HULBERT
POLICE DEPARTMENT by SERGAENT CHESTER 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 18th day of July, 2006.

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P R O C E E D I N G S

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CHAIRMAN WITKOWIAK: Waqar Hussain,
Agent for "Lisbon Petroleum, LLC", Extended Hours
Establishment application for - -

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THE APPLICANT: Hello, sir.

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CHAIRMAN WITKOWIAK: - - Lisbon
Petroleum, 5505 West Lisbon Avenue.

8

Good afternoon.

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THE APPLICANT: Hello, sir. Good
afternoon.

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CHAIRMAN WITKOWIAK: Do you - - Who is
- - Is every - - everybody here going to testify?

12

13

THE APPLICANT: No, sir. I am the
owner of the place. I bring some neighborhood
people who want to support me, you know, to being
open 24 hours. So - -

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CHAIRMAN WITKOWIAK: All right.
Everybody on this side of the room, I want you to
raise your right hands.

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(Whereupon those present were sworn.)

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CHAIRMAN WITKOWIAK: Sir, your name and
address, please.

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THE APPLICANT: My name is Waqar
Hussain. I live on 4550 South 123rd Street,
Greenfield. I'm - - I'm the owner of 5505 BP Gas

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1 Station, Lisbon Avenue. I own the place, been
2 two years. It's brand new, you know, station we
3 built. We spent almost 1.8 million dollar on the
4 property, and being owner, I try my best to
5 giving the best service to the neighborhood
6 peoples. And they've been asking us, you know,
7 to be open. There is some - - A lot of people,
8 they've been working on the third shift, and they
9 came in the station and telling us to being open,
10 the station, third, you know, 24 hours. So there
11 are other two stations, one block down south, and
12 one block down on the Center Street, they - -
13 they both are open 24 hours. So the cust - - my
14 customers, they been asking me why not you open
15 24 hours, because it is more convenient for them.
16 And this is the one of the reason and single
17 reason, you know, I am paying 20,000 dollar
18 property tax for the property, and being a new
19 owner in that area, you know, I need to be open
20 24 hour to collect, you know, more revenue to
21 survive myself. So that's why we are here to
22 extend our 24 hours service. Thank you, sir.

23 CHAIRMAN WITKOWIAK: Okay. Thank you.
24 Neighborhood Services, any issues?

25 DNS: No objection.

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1 CHAIRMAN WITKOWIAK: And you're excused
2 if you wish to - - Thank you for your service
3 today. Jared, state your appearance for Alderman
4 Murphy's office.

5 MR. ERDMAN: Jared Erdman, representing
6 Alderman Michael Murphy.

7 CHAIRMAN WITKOWIAK: Just let me ask
8 here, is there anyone of you people that are here
9 in objection to this placement?

10 No one is here in objection. Okay.
11 Can I hear from Alderman Murphy's office, please?

12 MR. ERDMAN: We conducted a postcard
13 survey for nearby residents which nearly two to
14 one opposition to this proposal to go 24 hours.
15 And I communicated this to Mr. Hussain. He
16 indicated that he wished to go around the
17 neighborhood to gather further support.

18 Following that, we received one letter
19 and one phone call cancelling out existing
20 postcard responses. The majority is still well
21 in favor of keeping them closed at midnight.

22 It is my understanding that Mr.
23 Hussain's been open until two. Having heard
24 that, as a result of the postcard survey, I asked
25 the License Investigation Unit to stop by. They

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1 did, in fact, find him in violation of this, and
2 asked him to close at midnight, which, to my
3 knowledge, he has since done. I guess I would
4 ask the applicant if he's been open and how long
5 and for how long. Could you answer that?

6 CHAIRMAN WITKOWIAK: Could you answer
7 those questions for us?

8 THE APPLICANT: Sorry?

9 MR. ERDMAN: How long - - How long have
10 you been staying open previous to all this?

11 THE APPLICANT: No, we've been closing
12 the station, you know, since we opened the, you
13 know, stations. We've been closing the stations.

14 MR. ERDMAN: When - - When did you
15 close? What were your hours?

16 THE APPLICANT: Sorry?

17 MR. ERDMAN: When did you close at
18 night?

19 THE APPLICANT: Usually we close 12
20 o'clock, but, you know, sometimes, you know, like
21 the day the police was there, you know - - You
22 know how sometime the peoples are - - too many
23 peoples are outside because, you know, I cannot
24 turn out the lights and go home. Because, you
25 know, we have almost 150,000 dollar worth of

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1 merchandise sitting there, and especially when we
2 turn off the lights, my employees are really
3 scared to be closed and being sitting in dark.
4 So, you know, it's been closed.

5 MR. ERDMAN: Mr. Hussain, I don't want
6 to repeat myself here, but your hours that you've
7 been operating under, you've been closing at
8 midnight regularly since getting your license?

9 THE APPLICANT: Sorry?

10 MR. ERDMAN: You've been closing at
11 midnight since getting your license. Is that
12 what you're - -

13 THE APPLICANT: Yes. Yes.

14 MR. ERDMAN: Except the one time when
15 the police stopped by?

16 THE APPLICANT: Yes. Yes. He was
17 taking the - - my cashier, you know, without my
18 permissions, you know, he was taking the, you
19 know - - you know, there is some customer out,
20 and he was bugging him, and he just opened the
21 door and take him. The police was there, you
22 know, so that time, you know.

23 MR. ERDMAN: Mr. Chair, I feel I have
24 to let you know that Mr. Hussain has personally
25 told me, as well as neighborhood residents, that

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1 they have been open and available to serve gas
2 and their other functions in advance of midnight.
3 What he indicated to me over the phone was that
4 he was unaware that he was required to close at
5 midnight. This assertion that they've been
6 routinely closing at midnight is new, both from
7 him and from neighborhood residents. I have a
8 couple of postcards that are confused, asking why
9 are we asking, it's already been open 24 hours.

10 THE APPLICANT: No, no, no. You know,
11 you misunderstood me. You know, like after me
12 and you talked, and after that we start closing
13 12 to - -

14 MR. ERDMAN: I'm asking since you've
15 been open.

16 THE APPLICANT: Oh, since - - since we
17 opened, you know, we - -

18 MR. ERDMAN: Yes.

19 THE APPLICANT: We was closing two to
20 five.

21 MR. ERDMAN: Okay.

22 THE APPLICANT: You know, like that's
23 - - that's the way I told you. I thought you
24 asked me, you know, after I, you know, talked to
25 you. But before that we closed two to five, but

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1 after I talked to you, you told me, you know, you
2 - - we have to close 12 to five. We start, you
3 know, closing 12 to five.

4 MR. ERDMAN: During that time when you
5 were open until two, three, four o'clock in the
6 morning, were you aware that your license didn't
7 allow that?

8 THE APPLICANT: No. I - - I was not
9 aware of that.

10 MR. ERDMAN: Again, we - - we received
11 some phone calls, a much smaller number out of
12 the total number of phone calls that are actually
13 in the neighborhood. They come from all over.

14 Another question, if I may ask the applicant - -

15 CHAIRMAN WITKOWIAK: Go ahead.

16 MR. ERDMAN: Have you offered, and I
17 wanted to ask this before the committee - -

18 THE APPLICANT: Um-hnh.

19 MR. ERDMAN: Have you offered any
20 incentive to individuals to call us - -

21 THE APPLICANT: No.

22 MR. ERDMAN: - - to ask for support?

23 THE APPLICANT: I want to let the jury
24 know that, you know, me and my security guy, who
25 you really did - - and his name is Daniel. You

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1 know, he worked there as a security in the
2 nighttime. We went through the neighborhood,
3 because, you know, I love to work with the
4 community, you know, people who is - - my
5 neighbors. So when I talked to Jared, he told me
6 that some people opposed me, and me and Daniel,
7 we especially walked three days through the
8 neighborhood people, go door to door, whatever
9 their concerns are, the people who opposed us,
10 you know. So we want to know what is their
11 concerns so we can try to work with them. And
12 you can ask him, too, and they - - We did not pay
13 anything, you know, we - - we tried to ask them,
14 and there is 11 peoples who opposed, who sent the
15 postcard, you know, oppose us. There's 11
16 people, they told us they changed, the way we
17 explained to them, they have no concern and
18 they're not going to oppose it. And it is a - -
19 almost 70 peoples, we have it in this list, we
20 signed from the neighborhood people go door to
21 doors, and we did not, you know, we did not, you
22 know, make the people calls, you know. People -
23 - We give their - - People give his numbers to
24 call him if they can support, you know. So - -
25 CHAIRMAN WITKOWIAK: So just let me see

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1 if I understand something here. We can't - -
2 Unless some of those people are the people here,
3 we can't take that, but I appreciate you - - That
4 was a good barometer for your own - - for making
5 your own decision that you wanted to pursue this.
6 But now let me see if I understand this.

7 You bought the place how long ago?
8 THE APPLICANT: Is not two years, you
9 know.

10 CHAIRMAN WITKOWIAK: Two years?

11 THE APPLICANT: Almost you can say two
12 years.

13 CHAIRMAN WITKOWIAK: Two years, okay.
14 And - - And from the time you bought it until the
15 time you found out something from the Alderman's
16 office, you were staying open until two a.m.

17 THE APPLICANT: Yes. Yes, sir. We
18 close - -

19 CHAIRMAN WITKOWIAK: Closed from two to
20 five, then you opened at five again.

21 THE APPLICANT: Yes.

22 CHAIRMAN WITKOWIAK: Then you heard
23 from the Alderman's office, that, "Hey, you got
24 to have a special license for that."

25 THE APPLICANT: Yes.

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1 CHAIRMAN WITKOWIAK: That you have to
2 close at midnight. Then you start closing at
3 midnight.

4 THE APPLICANT: Yes, sir.

5 CHAIRMAN WITKOWIAK: So now you're
6 closed midnight until five.

7 THE APPLICANT: Yes.

8 CHAIRMAN WITKOWIAK: But now your
9 request is here, you want to go 24 hours.

10 THE APPLICANT: Yes, sir.

11 MR. ERDMAN: Mr. Chair, I want to make
12 that question clear. He applied for the license
13 in April, stayed open until two for the next two
14 months, and when the License Investigation Police
15 came by to, at my request, that is when he began
16 closing at midnight. So I want to make it clear
17 that there was a substantial length of time when
18 he was very much aware that he needed an after
19 hour - -

20 THE APPLICANT: No, after - -

21 MR. ERDMAN: - - license and did not
22 have one.

23 CHAIRMAN WITKOWIAK: Okay.

24 THE APPLICANT: After police came I
25 called Jared to ask him, you know, do we have to.

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1 Because, you know, when I buy the stations, it
2 was misunderstanding, you know. There is no
3 reason to lie, you know. It was
4 misunderstanding, because, you know, when I buy
5 the stations, the station was granted open 24
6 hours, seven days a week. So I was not aware of
7 that, you know. We close two to five, you know,
8 because of the cleaning. But today's, I was not
9 even know that, you know, we have to close from
10 12 to five, you know.

11 CHAIRMAN WITKOWIAK: When you purchased
12 the station, it was operating 24 hours?

13 THE APPLICANT: It was granted by the
14 Board of Zoning 24 hours, seven days a week, you
15 now, from the City. So, it was - -

16 CHAIRMAN WITKOWIAK: Yeah, that would
17 have been before we handled this, right?

18 THE APPLICANT: Exactly, you know.

19 ALDERMAN BOHL: Mr. Chairman.

20 CHAIRMAN WITKOWIAK: Alderman Bohl.

21 ALDERMAN BOHL: However, when the - -
22 the ordinance did change to require a license for
23 the - - what was frequently called 24 hours, now
24 - - now extended hours, every operator in the
25 City was mailed and notified of the changes. And

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1 there was even subsequent mailings, because as we
2 approached the deadline for the application and -
3 - and if previous operations weren't - - weren't
4 - - did not respond by putting an application on
5 a timely basis when that took effect, which was
6 April 1st of - - of, I believe, 2004, you know,
7 there just - - there isn't an excuse.

8 THE APPLICANT: No, no. I'm not making
9 any excuse.

10 ALDERMAN BOHL: I'm just saying - -

11 THE APPLICANT: No, when I opened the
12 station, the law was already made, you know, I
13 - - They already sent the application before
14 that, you know. When, you know, when they make
15 the law to apply the special permit to being a 24
16 hour open. And honestly speaking, I never
17 received any notices from to open to apply the
18 license 24 hours. So as soon I know that, I did
19 apply it. I did apply that 24 hour, you know,
20 like if I'm trying to, you know, I was open, you
21 know, 12 to - - until 12 - - two o'clock, so I -
22 - I should keep opening not to - - not to apply
23 the license. But as soon I - - I know that, you
24 know, there's a special permit, we have to get
25 it, you know, so I did come down in the City Hall

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1 and apply the permit.

2 ALDERMAN BOHL: Mr. Hussain, if I may
3 ask you, do you own any other establishments in
4 the - - any other businesses in the City of
5 Milwaukee?

6 THE APPLICANT: I own the 70th and
7 Center, 700, but we close nine o'clock, that
8 station.

9 ALDERMAN BOHL: Okay. The - - I mean,
10 here's the question, that I - - I know that - -
11 And I don't want to insinuate that - - that it's
12 true of every person. I know that individuals
13 who own stations know other people who own
14 stations as well, too, that - - that there - -
15 you reside in an area that I still believe is - -
16 is considered part of the Sherman Park
17 neighborhood. I know it also cuts right up to
18 Lenox Heights, and I know that Sherman Park
19 through - - through - - through its - - its
20 organization has been very active in getting the
21 stations in their area together to deal with some
22 of the issues relating to drugs, and - - and I
23 just - - I know that the station owners, the
24 liquor store owners, are sort of part of a close
25 circuit of - - of - - And, you know what? You're

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1 dealing with and talking about the same issues.
2 And we shove something down your throat that
3 changes and upsets the apple cart, you know, I
4 just don't believe that somebody's not aware of
5 it. I - - I'm - - For me, it doesn't wash.
6 Okay.

7 ALDERMAN WADE: Mr. Chair.

8 CHAIRMAN WITKOWIAK: Alderman Wade.

9 ALDERMAN WADE: Sir, Jared makes a
10 valid point, and I just want to give you an
11 opportunity to explain why - - what was the
12 situation. In April and May you found out that
13 you didn't have the - - the - - the license to
14 operate 24 hours.

15 THE APPLICANT: Yes.

16 ALDERMAN WADE: You found that out.

17 You filed for the license.

18 THE APPLICANT: Yes, sir.

19 ALDERMAN WADE: So at that point you
20 knew you had to close at midnight.

21 THE APPLICANT: No. That time when I -
22 - I - - After I applied the license, you know,
23 honestly speaking, God is witness, I'm not lying
24 in front of the committee. I don't even know
25 that.

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1 ALDERMAN WADE: So when you applied for
2 the license, the license was for extended hours
3 after midnight. So you - - You - - You had to
4 know that you needed those licenses in order to
5 apply for them.

6 THE APPLICANT: Sorry?

7 ALDERMAN WADE: The license that you
8 applied for were to operate between midnight and
9 five in the morning.

10 THE APPLICANT: No. Because, you know,
11 before that I thought if I, you know, if I closed
12 two to five, I am fine.

13 ALDERMAN WADE: But - - So you're
14 saying in - - in April and May - -

15 THE APPLICANT: Yeah.

16 ALDERMAN WADE: - - you thought you
17 still could stay open to two - - to two in the
18 morning?

19 THE APPLICANT: Two - - Two o'clock.
20 Two - - Two to five. Okay.

21 ALDERMAN WADE: And then once the
22 police came out and explained to you that you
23 were in violation of the City ordinance, at that
24 point you were aware of it, and you started to
25 close at midnight.

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1 THE APPLICANT: Yes, sir.

2 ALDERMAN WADE: Okay.

3 CHAIRMAN WITKOWIAK: I want to see out
4 of the people that are here to testify, who lives
5 within one and one-half blocks of the station?
6 Two - - Three people, you live within a block and
7 a half?

8 THE WITNESS: I'm about two blocks.

9 CHAIRMAN WITKOWIAK: Let's get
10 everybody's testimony, but make it brief. Okay.
11 Name and address for the record, and your
12 testimony.

13 THE WITNESS: My name is Michael Key,
14 and I work approximately a block and a half from
15 this particular gas station.

16 CHAIRMAN WITKOWIAK: Okay. Why - - Why
17 are you - -

18 THE WITNESS: I'm here in support of
19 him having this particular station open for - -
20 for various reasons, the most important is
21 because convenience. I - - I live on the south
22 side of town, and as a result of that I drive
23 from the south side of town to Lisbon Avenue on
24 50 - - 54th and Lisbon there. In all due respect
25 to the panel and Council, the gentleman has a

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1 paper here showing from the Board of Zoning
2 Appeal that his understanding was very limited at
3 the time. I mean, to share with you, he's been
4 in business there two years. He just purchased
5 the property. And the property was also
6 established on paperwork that he has had a 24
7 hour - - will be open 24 hours a day, seven days
8 a week. His lack of understanding doesn't excuse
9 him from that. However, and this is the first
10 time he's been in front of this board or
11 committee. So he's kind of afraid. He invested
12 1.2 - - a lot of money in this place. I would be
13 scared, too, if you had to pay 20,000 dollars a
14 month. I am, myself, a current business owner.
15 I'm an independent contractor right up the street
16 from this gentleman, and it's very difficult in
17 that area just for business as a whole. And my
18 lieu of supporting him is because I know how hard
19 it is just to make a living, not only just in
20 that area, but to make a living where you have to
21 be limited in a short amount of time to make that
22 approximate amount of money. So the reason why
23 Michael Key is here is because I did go over his
24 necessary paperwork. I am a business owner. And
25 I'm going to look into that area as for business,

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1 and I'm reading here on the paperwork here, and
2 Michael Finn on July 10th of 2006, his
3 understanding was limited. But it didn't excuse
4 him from doing anything wrong.

5 What happened, I think, as a whole was
6 he thought he could operate this business in a
7 timely manner, and he came to find out he
8 couldn't. I think the Alderman working with him,
9 him being very brand new to this appeal, I think
10 he jumped the gun. I think the gentleman jumped
11 the gun, and he deserves a chance with this board
12 and committee to follow the rules and procedures,
13 and if he does screw up, hold him accountable.

14 CHAIRMAN WITKOWIAK: Questions by
15 members of the committee? Next witness, you,
16 sir.

17 THE WITNESS: Me?

18 CHAIRMAN WITKOWIAK: Yes.

19 THE WITNESS: Ah - -

20 CHAIRMAN WITKOWIAK: And then if you
21 would, please, remove yourself. Let somebody
22 else come to the table. Just keep rotating up
23 here.

24 THE WITNESS: My name is Daniel Taylor.
25 I stay on 27th and Howard. I'm the security

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1 guard at the - - at the BP gas station at night.
2 I go in and watch and make sure don't nobody
3 break into the gas station, or hang in the gas
4 station, or, you know, sell drugs or anything in
5 the gas station. So that's - - That's my - -
6 That's my role I play. And a lot of people have
7 been coming to the gas station on the assumption
8 that we was open, because my car be sitting out
9 there, and I told them that we were closed until
10 five in the morning. And they saying, "Well, why
11 we got to go way down the street to the other gas
12 station while this gas - - "I said, "Well, I
13 don't know. We going through some difficult
14 problems right now. We're hoping to solve it
15 soon." So that's my role I play.

16 CHAIRMAN WITKOWIAK: Thank you. Any
17 questions?

18 ALDERMAN WADE: Mr. Chair, I do - - I
19 do have a question for the - - for the gentleman.
20 Are you able to purchase gas - -

21 THE WITNESS: No.

22 ALDERMAN WADE: - - at the gas station
23 when the - - when the station is closed?

24 THE WITNESS: No. No. Everything is
25 shut down. Everything is shut off. My most

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1 concern is when we shut it down, it's - - it's
2 pitch dark on that corner. You understand what
3 I'm saying? It's on a big lot, and once we cut
4 all the lights off, it's pitch dark there. And
5 I'm concerned that a lot of kids find places to
6 hide, or sell drugs, or, you know, do un - -
7 illegal things there. And that's why I'm there
8 for if I see anything, I calls the police, you
9 know. Because I can't - - You know, I ain't
10 going to go out and tussle with nobody. But I
11 will call the police. But I try to keep my
12 light, you know, I got a big flashlight, you
13 know, I shine it outside, let people know, hey,
14 you can't - - We closed. You can't sit on this
15 lot, you know. And that's my concern that, you
16 know, something bad can happen. Or they might
17 try to break in there and take everything out of
18 there.

19 ALDERMAN WADE: No more questions, Mr.
20 Chair.

21 CHAIRMAN WITKOWIAK: Thank you. Next
22 witness, please.

23 THE WITNESS: I'm Walter Jahnke. I own
24 the business right next door. And I liked it to
25 be open, because it light ups - - lights up the

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1 area, and there's less crime.
2 CHAIRMAN WITKOWIAK: What's the address
3 of your business?
4 THE WITNESS: 5525 West Lisbon Avenue.
5 CHAIRMAN WITKOWIAK: Thank you. Any
6 questions of this witness?
7 ALDERMAN WADE: Yeah, what kind of
8 business, sir, what kind of business?
9 THE WITNESS: A tavern.
10 ALDERMAN WADE: What?
11 THE WITNESS: I - - Racer's Inn,
12 tavern.
13 ALDERMAN WADE: It's a tavern, okay.
14 CHAIRMAN WITKOWIAK: Thank you. Next
15 people at the table, please.
16 THE WITNESS: Hello.
17 CHAIRMAN WITKOWIAK: Hi.
18 THE WITNESS: I'm a resident in the
19 area, and I utilize the gas station a lot,
20 and - -
21 CHAIRMAN WITKOWIAK: Name and address
22 for the record.
23 THE WITNESS: Oh, I'm sorry. Kerry
24 Hilling. 2463 North 56th Street.
25 CHAIRMAN WITKOWIAK: Okay.

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1 THE WITNESS: And it's - - I utilize it
2 a lot. It's very convenient. It's safer than
3 the other two gas stations that are near my
4 house. I can walk there in the middle of the
5 night, not have to worry about my safety. So I
6 prefer it staying open.

7 CHAIRMAN WITKOWIAK: So you're two
8 blocks away?

9 THE WITNESS: Yeah, real - - Two little
10 tiny blocks, so.

11 CHAIRMAN WITKOWIAK: Thank you. Any
12 questions?

13 ALDERMAN WADE: Yeah, I have a
14 question, Mr. Chair.

15 CHAIRMAN WITKOWIAK: Alderman Wade.

16 ALDERMAN WADE: It's other things in
17 this - - in this notice. Do you experience any
18 of any noise, drugs, selling - - selling, people
19 panhandling, the station being dirty, anything
20 like that?

21 THE WITNESS: No, I don't.

22 ALDERMAN WADE: So - -

23 THE WITNESS: I have a lot more
24 problems from the park across the street from my
25 house than I do from the gas station.

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1 ALDERMAN WADE: So the gas station is
2 pretty clean, well stocked - -
3 THE WITNESS: Yes, it's always - -
4 ALDERMAN WADE: - - well lit.
5 THE WITNESS: Yes.
6 ALDERMAN WADE: And you fell
7 comfortable and safe walking there, one, two in
8 the morning?
9 THE WITNESS: Um-hnh. I do.
10 ALDERMAN WADE: Thank you.
11 THE WITNESS: Also, I didn't get my
12 little postcard in the mail. So, that's why I
13 had to come in person. Thank you.
14 CHAIRMAN WITKOWIAK: Thank you very
15 much. Sir, name and address for the record,
16 please?
17 THE WITNESS: My name is Jason Pitman.
18 I live at 15 - - No, 5501 West Lisbon Street.
19 And I came here to support this gentleman for the
20 store to be open 24 hours.
21 CHAIRMAN WITKOWIAK: Questions of this
22 witness? Okay. Thank you. Do you have anything
23 to say in closing before we make our decision.
24 THE APPLICANT: So, actually, you
25 know - -

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1 CHAIRMAN WITKOWIAK: Keep it brief.
2 Don't be repetitious.

3 THE APPLICANT: All right. I request
4 the board to see the, you know, a really big - -
5 This is a big request from the front of the
6 board, you know, I am the new owner in that area.
7 And I am paying almost, you know, 30,000 dollars
8 bank mortgage of that place. If you guys has
9 ever stopped by there to take a look, I have the
10 best stores in that whole neighborhood, you know.
11 The other two gas stations are open - - being
12 open 24 hours, which one is not even one block
13 down on one side and other block down. And those
14 stations is not even cleaner than my store, okay.
15 And I especially went to the neighborhood and
16 talked to my neighbors. They love my stores.
17 They love to come over there, and they want me
18 open 24 hour to make them convenient for them
19 when it is mostly people who work in the third
20 shift. They want to pump their gas, and have
21 some food before they go home, you know. And I'm
22 trying to survive, myself, to paying all expenses
23 so far. And to being - - making a little bit
24 money for my - - out of my pocket, you know. I
25 really request if you guys extend my hours, it's

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1 really going to help. Otherwise, you know, I
2 going to be in dangerous, you know, if you guys
3 shut me down 12 to five. These are the hours,
4 you know, we still have some volume and some
5 revenue we get from the, you know, neighborhoods.
6 And honestly speaking, I respect Jared, too, you
7 know, like he - - he had the survey boards and
8 went to all the people who opposed me, and I
9 talked to them. They have no objection soever.
10 There's 11 people, this board, you know, the
11 people who opposed me, and they did call in his
12 office. I don't know. He said he had no
13 information, but I tell him, you know, I give you
14 all the people who opposed it. There is 11
15 people, they changed their mind, and they - -
16 they - - I try to explain to them all the
17 situation, and they said, you know, that's fine.
18 And they - - If he have any question, he can call
19 them, too, you know. So, please, if you guys
20 grant me, you know, and check me the first years
21 and see how I'm doing, then, you know - - You
22 know, I really appreciate for that.

23 CHAIRMAN WITKOWIAK: Jared - -

24 THE APPLICANT: To support my business.

25 CHAIRMAN WITKOWIAK: Final comments

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1 from the Alderman's office.

2 MR. ERDMAN: Just - -

3 ALDERMAN WADE: Mr. Chair, before - -
4 before that, if I may - -

5 CHAIRMAN WITKOWIAK: Go ahead, Alderman
6 Wade.

7 ALDERMAN WADE: I got a few questions
8 for - - for Jared, because I just want to make
9 sure that - - Now, are you getting complaints and
10 - - Because obviously he's operated past his
11 hours. Are you getting complaints and calls
12 about the things that are written in the - - the
13 - - the notice?

14 MR. ERDMAN: We have - - And I would
15 agree that it is a relatively clean station,
16 certainly for the area. The concerns are mostly
17 as expressed to us have to do with potential,
18 future. We have had some about loud cars at the
19 pumps. That's not from his station. It's from
20 his customers. I understand he's got limited
21 control over that. Some sort of signage, I
22 think, might be nice in the future, but that's
23 not been an overwhelming complaint. I think
24 people responding to this are more concerned
25 about potential future at three, four in the

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1 morning. A lot of concern about potential
2 cruising, and this becoming a destination spot
3 for trouble.

4 ALDERMAN WADE: There - - Because - -
5 Because he has operated past hours. Where he's -
6 - Are - - You're directly across the street from
7 Doc's Jewelers, right?

8 THE APPLICANT: Yes, sir, correct.

9 ALDERMAN WADE: Yeah, I've - - I've
10 come to your sta - - I live in that neighborhood,
11 and I've come to your station.

12 THE APPLICANT: And, sir, you know, I
13 - - If you'll excuse me one minute, okay, I want
14 to explain, Jared, especially I am the first
15 owner who put the security guy in the nighttime.
16 His name is Daniel. I pay him to stay all night
17 over there to watch the unusual activities. If
18 there is children that hang around over there in
19 the nighttimes are, you know, if he sees some
20 people that making loud, call the police right
21 away. I pay him specially - - He's not working
22 on the cash register. He's - - I hired him as
23 security, you know, for the neighborhood peoples,
24 you know. So I'm trying my best to work with the
25 neighbors, okay. And I need, you know, like

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1 there is other two station. If they are open 24
2 hours, why not me, you know. So I - -

3 ALDERMAN WADE: Sir, if I may, you - -
4 you had your chance. Now, I want to ask him some
5 questions. I'm clear on - - You made yourself
6 clear. At the committee we understand what your
7 situation is. I just have some questions that I
8 need to ask from the representative from the
9 Alderman's office, so I can just get a better
10 idea of what needs to be done or - - or what's
11 - - what's desired. Jared, you already stated
12 that between those - - the times when he did
13 operate illegally, you weren't getting a lot of
14 calls and concerns about it.

15 MR. ERDMAN: Correct.

16 ALDERMAN WADE: And you say that - -
17 that the station is pretty clean.

18 MR. ERDMAN: It is.

19 ALDERMAN WADE: And it's run in a
20 professional manner, well stocked, well lit,
21 things of that nature.

22 MR. ERDMAN: Yes. Yes, I've also
23 visited it, and found it to meet those criteria,
24 yes.

25 ALDERMAN WADE: Okay. I - - I just

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1 wanted to make sure of that, because I - - I have
2 gone to your station several times, and honestly,
3 I thought it operated 24 hours. I didn't know
4 that it didn't. You know, I didn't know that it
5 didn't. This is - - This is news to me.

6 THE APPLICANT: You know, like - -

7 CHAIRMAN WITKOWIAK: No, no, no.

8 ALDERMAN WADE: Yeah, just - - But I
9 just wanted to make sure that - - that, you know,
10 Jared represents the Alderman's office, which
11 represents the people who live in the
12 neighborhood. And I'm concerned about the
13 impact, adverse impact that it may have on the
14 people in the neighborhood. I - - If I'm not
15 mistaken, I think the way your station is
16 positioned, it's pretty much along a commercial
17 strip, and then you may have some - - maybe two
18 or three houses directly south of you, a few
19 houses across the street in back of Doc's, maybe
20 one or two houses, and then there's a playground.
21 Is that right?

22 THE APPLICANT: That's right.

23 ALDERMAN WADE: And then directly west
24 of you is a - - is that gentleman's bar, and then
25 it's kind of like a strip mall - -

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THE APPLICANT: That's right.

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ALDERMAN WADE: - - Nord's Video, and

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some things, and then - -

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THE APPLICANT: That's right.

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ALDERMAN WADE: - - and then you have

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car lots across the street.

7

THE APPLICANT: That's right.

8

ALDERMAN WADE: All right. All right.

9

Thank you. Jared, if you - - I just wanted to

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get that information from you and in - - if you

11

want to just go ahead and finish with your

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closing statement.

13

MR. ERDMAN: Certainly. I - - I have

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nothing further that wouldn't be repeating

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myself. The postcard survey results were clear.

16

I very much appreciate Mr. Hussain's effort to go

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out into the community. I think the best

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solution here really would be a neighborhood

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meeting. The timing, he had a previous issue

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I've been working with him on, on a "no left

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turn," and getting to this issue took some time.

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So by the time we were getting within a week or

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so of this, there wasn't adequate time to hold a

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neighborhood meeting, and we went with the

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postcard. And I explained to him that that will

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1 not give him a chance to interact directly.
2 However, the - - Him going door to door is kind
3 of the other problem, where if somebody shows up
4 at my door asking me to do something, I'm going
5 to be inclined to support them without a neutral
6 setting or a chance to think about it further.
7 So while a postcard is one extreme, his is the
8 other. I'd really like to host a neighborhood
9 meeting. I - - I understand he's going to not
10 want to wait that long for me to hold this.

11 I guess the question I would have for
12 the committee, when we do an extended hours.
13 Maybe Mitch is the person to answer this, does
14 that entitle them to be open 24 hours? Can we
15 set a limit? Maybe perhaps we could put him to
16 where he had been at closing at two and staying
17 closed until five. That might address some of
18 the residents' concerns about the very, very late
19 night or early morning, depending on how you look
20 at it, activities.

21 ALDERMAN WADE: Mr. Chair.

22 CHAIRMAN WITKOWIAK: Alderman Wade.

23 ALDERMAN WADE: I'm sorry, Jared, I
24 didn't mean to cut you off. Go ahead.

25 MR. ERDMAN: No, no. No. I'm done.

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1 ALDERMAN WADE: I - - What I - - I
2 think this - - this matter is something that may
3 be able to get better resolved through a
4 neighborhood meeting. And I would like to give
5 you the opportunity to have that neighborhood
6 meeting, so yourself and the Alderman can have
7 some comfort on the decision that they make. The
8 gentleman already has unlawfully benefitted from
9 being outside of what he was legally able to do,
10 so him being delayed another 30 days, well, in
11 this case it will be a little more than 30 days.
12 Right?

13 MR. ERDMAN: Yes.

14 ALDERMAN WADE: I don't know - -

15 MR. ERDMAN: I believe it's the 18th,
16 is the next license in September, I believe.

17 ALDERMAN WADE: 18th of September. I
18 would - - I would be willing to - - to hold this
19 at the Call of the Chair, or at least one cycle,
20 to allow for that neighborhood meeting. Because
21 I think just by knowing the neighborhood the way
22 that I do, I think the neighbors over there will
23 be willing to have some input, both pro and con,
24 about the ability in the operating hours of that
25 - - of that neighborhood. So that's - - that's

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1 what I would be willing to motion at this point.
2 Or - - Or if we are in committee, I would like to
3 make that motion, that we hold this at the Call
4 of the Chair in order for the representatives
5 from the District to hold some neighborhood
6 meetings.

7 CHAIRMAN WITKOWIAK: That's an
8 appropriate motion at any time. The motion by
9 Alderman Wade is to hold this matter at the Call
10 of the Chair. Are there any objections to that
11 motion?

12 ALDERMAN BOHL: My objection.

13 CHAIRMAN WITKOWIAK: Hearing one
14 objection, the motion carries on a vote of two to
15 one.

16 We're - - We're going to hold this
17 matter. We will reschedule it at a future
18 meeting.

19 THE APPLICANT: When is going to be
20 next hearing?

21 MR. ERDMAN: Is it the 18th?

22 MS. ELMER: No, it's before that.

23 MR. ERDMAN: 11th, right.

24 CHAIRMAN WITKOWIAK: That's September.

25 Thank you.

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1 MR. KEY: I just want to understand.
2 Is he able to operate to two o'clock?
3 ALDERMAN BOHL: Midnight to five.
4 CHAIRMAN WITKOWIAK: Midnight to five.
5 MR. KEY: Must be closed from midnight
6 to five.
7 CHAIRMAN WITKOWIAK: Must be closed
8 from midnight to five.
9 THE APPLICANT: So when the next
10 hearing going to be?
11 CHAIRMAN WITKOWIAK: September 11th.
12 THE APPLICANT: Oh. Because, you know,
13 I'm - -
14 CHAIRMAN WITKOWIAK: I'm sorry. The
15 - - The hearing is finished.
16 * * * * *
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2 STATE OF WISCONSIN)

3 MILWAUKEE COUNTY)

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JEAN M. BARINA - COURT REPORTER

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Dated this day of October, 2006

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