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CITY OF MILWAUKEE

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UTILITIES & LICENSES COMMITTEE

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In the Matter of the 24 Hour Establishment Application
for:

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Mohammed Amir
Agent for SIDDIQUE, INCORPORATED
Citgo Express Pantry
5656 North 76th Street

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COMMITTEE MEMBERS

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ALD. JAMES BOHL, JR., - Chairman
ALD. FREDERICK G. GORDON
ALD. TERRY L. WITKOWSKI

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LICENSING DIVISION by REBECCA BARRON
NEIGHBORHOOD SERVICES by PANDORA BENDER

14

HEALTH DEPARTMENT by OSCAR BOND
POLICE DEPARTMENT by SEARGENT JOHN HOGAN

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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 UTILITIES &
LICENSES COMMITTEE OF THE CITY OF MILWAUKEE, on
the 14th day of April, 2004.

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P R O C E E D I N G S

CHAIRMAN BOHL: The next in the 2nd District, Mohammed Amir, Agent for "Siddique, Incorporated," 24 hour establishment application for Citgo Express Pantry at 5656 North 76th Street.

Good morning.

MR. GIMBEL: Again, good morning, Mr. Chairman, members of the committee. Franklin Gimbel appearing with and for Mr. Amir in connection with his application. There are also a number of people who are here to give testimony in support of this application.

CHAIRMAN BOHL: And for Mr. Amir, we'll swear you in, if you could raise your right hand. Can I just see a show of hands of individuals who are here to testify on this matter. I was wondering where everyone was coming from. We'll have - - We'll swear you all in at one point. Is anybody who is here to potentially testify, just raise your right hand at this point, we'll swear you all in at once.

MS. ELMER: Do you solemnly swear to tell the truth, the whole truth, nothing but the truth, so help you God?

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THOSE PRESENT: I do.

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CHAIRMAN BOHL: And for Mr. Amir, specifically, do you acknowledge receiving notice of today's meeting with the possibility that this application can be denied? There are an assortment of - - of objections in addition to an attach - - attachment, which is a e-mail from the police department regarding cruising.

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MR. GIMBEL: I would acknowledge receipt of the applica - - the notification, Mr. Chairman. I would, however, feel obligated to object to the general, unspecific allegations that are asserted in this notice as - - as ostensible reasons for the potential denial of this license, and in particular, I object to the language that reads as follows: "That 24 hour establishment will be the source of excess traffic, loitering, littering, disorderly behavior and noise generated by such traffic." I believe that that is not notice that permits my client to prepare to protect his property right in this business to stay open 24 hours. And it's merely general prose unsupported by specific facts.

CHAIRMAN BOHL: One second here, Mr.

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1 Gimbel. Mr. Gimbel, the notice is what it is,
2 and if there is testimony to substantiate that,
3 that's - - that's one thing. If it - - If it's
4 not substantiated, you know as well as I, it's a
5 - - it's a moot point. And anytime we have a
6 neighborhood objection, there aren't neighbors to
7 testify, the objection is a moot point. So we'll
8 see where it goes.

9 MR. GIMBEL: At this point in time. I
10 hope you - -

11 CHAIRMAN BOHL: Your - - Your objection
12 - -

13 MR. GIMBEL: I hope you - - You and or
14 your colleague, this is a lawyer making an
15 observation about what I believe to be an
16 insufficient notice.

17 CHAIRMAN BOHL: Your objection is duly
18 noted here. Okay. All right. There is no
19 police report. Before we get to you here Mr.
20 Gimbel, we will go to Alderman Davis first on
21 this matter.

22 ALDERMAN DAVIS: Thank you, Mr.
23 Chairman. I had also circulated and visited
24 constituents in this area, specifically an area
25 maybe about a hundred feet on 75th Street

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1 directly to the north, which has a very active
2 block club in this area, along Thurston Avenue,
3 which is the street that is - - the gas station
4 is on, from Thurston Avenue all the way to Silver
5 Spring, and I've got a consensus that they are
6 concerned about the establishment. They made it
7 very well - - They made me - -

8 MR. GIMBEL: I have to - - Excuse me.
9 I have to object to - - It's no
10 disrespect to Alderman Davis, but I think that -
11 - that his statement that something is a
12 consensus is not only hearsay, but it's - - it's
13 a statement of his, unsubstantiated. It's a
14 conclusion that he's reached.

15 CHAIRMAN BOHL: I would concur, and I
16 - - We'll allow Alderman Davis to move on,
17 but - -

18 ALDERMAN DAVIS: As an elected official
19 I'd like to represent the constituents who have
20 - - do put me in office, and part of that, Mr.
21 Chairman, is to attend and to knock on doors to
22 find out what concerns my constituents have.

23 CHAIRMAN BOHL: Alderman Davis, let me
24 just - - let me ask you one question. When - -
25 When you're expounding here, are you referring to

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1 a consensus of those residents that you,
2 yourself, were able to make contact with?

3 ALDERMAN DAVIS: That's correct.

4 CHAIRMAN BOHL: And you don't purport
5 that if you did talk with others, that it was a
6 consensus of the entire neighborhood.

7 ALDERMAN DAVIS: That is correct.

8 CHAIRMAN BOHL: Why don't you proceed.

9 ALDERMAN DAVIS: And that is the - -
10 the - - That is the whole basis of my comments is
11 that I spent time, as all of us do in the
12 district that we represent, talking to our
13 constituents, particularly when there is an issue
14 of quality of life. It is my responsibility, it
15 is my duty, and I take that role very seriously
16 as the representative of the 2nd Aldermanic
17 District. There are what we consider concerned
18 spots that has called - - that has called, not
19 only as I observed on early morning nights or
20 early mornings, but also, with residents standing
21 in their driveways and walking with them through
22 the neighborhood to identify where these concerns
23 come from. And this particular location, 5656
24 North 76th Street, is one of those locations.

25 I have two residents who stay not more

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1 than a thousand feet away from this establishment
2 who are willing to testify. Other residents who
3 could not make it here rely on me to make the
4 argument for them. I will not speak for them,
5 but I will make the argument for them on why this
6 particular 24 hour establishment needs to be
7 denied.

8 CHAIRMAN BOHL: Of the individuals who
9 - - who were sworn in are there any who are here
10 to testify in opposition? Two - - Two of you. I
11 just want to get a show. We'll - - We'll get to
12 you one moment here. Mr. Gimbel. I'll let you
13 go first.

14 MR. GIMBEL: First and foremost, I
15 would, with your - - with your leave, that the
16 chairman offer to the committee, photographs of
17 this location within which what I ask you to look
18 for is the openness of the station in front of
19 its location, and the site - - and the site,
20 which is occupied. Also, I would like you to
21 observe that on two sides of the front of the
22 building my client has caused very discernible
23 signs to be posted that advise patrons or
24 potential patrons of the fact that should they
25 not abide by proper behavior standards, that is,

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1 loitering, loud music and noise, they will not be
2 provided the service.

3 I also want you to see, as a committee,
4 within - - within the interior of this location,
5 a great number of consumer items which it is my
6 belief, those people who are here in support of
7 this application will testify are of significant
8 interest to them to have access to in this
9 neighborhood on an around the clock basis. I
10 will give this first to Mr. Davis, and then ask
11 him to circulate it to the rest of the - -

12 MR. SCHRIMPF: Mr. Chairman, I would
13 simply ask that the committee clerk individually
14 mark the photographs.

15 CHAIRMAN BOHL: We will do so. Mr.
16 Gimbel, you may proceed.

17 MR. GIMBEL: Yes, and then if I might,
18 I would like to call some of the witnesses that
19 have - -

20 CHAIRMAN BOHL: What we - - Normal
21 protocol is to hear from objectors first, so I
22 just wanted to allow you to have an opening
23 statement. Do you just want to provide that as
24 evidence at this point and then continue later.

25 MR. GIMBEL: We'll work from there.

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1 CHAIRMAN BOHL: Okay. What we're going
2 to do at - - at this point, we will call the - -
3 the two ladies who are here to testify in
4 opposition to this item. We can have you take
5 the two seats here. For anyone who is here to
6 testify in this matter we're going to need to
7 bring you forward. We'll have to swear you in.
8 You'll have to provide your name and your address
9 for the record. Would ask if you have a very
10 difficult spelling of your name, if you could
11 please, for the record, spell that out for us,
12 and then any testimony pertinent to how you
13 either support or oppose the application before
14 us, and we'll start from my left to right, and
15 then we'll - - we'll start with you first here.

16 THE WITNESS: My name is Judith Tobolt.
17 I am the property manager for Tobolt Properties.

18 MR. GIMBEL: I didn't get the last
19 name. I'm sorry.

20 THE WITNESS: Tobolt, T-O-B-O-L-T.

21 MR. GIMBEL: Thank you.

22 THE WITNESS: And I am the property
23 manager for Tobolt Properties. Mr. Bohl, you and
24 I have met before. Our company is very pro-
25 active for our tenants. We have 15 units that

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1 are adjacent to this particular establishment.
2 Within the past two and a half months I have had
3 a tenant who was held up at gunpoint.

4 MR. GIMBEL: I'm going to object.
5 Unless Ms. Tobolt was present at the time of
6 these incidents that she's talking about, if
7 she's talking about it because somebody told her
8 about that, I'm going to object to the testimony.

9 THE WITNESS: I'm talking about it - -

10 MR. GIMBEL: Just a moment, ma'am.

11 THE WITNESS: All right.

12 MR. GIMBEL: I'm going to object to
13 anything that she testifies to that came to her
14 by someone else making the statement who is not
15 under oath and is not subject to cross-
16 examination.

17 THE WITNESS: It pertains to - -

18 CHAIRMAN BOHL: Mrs. Tobolt. Yeah, I--

19 THE WITNESS: It pertains to a
20 police report that can be obtained.

21 CHAIRMAN BOHL: No. It would have to
22 be a police report that would have to be cited in
23 this, like cited here. It would have to be - -

24 MR. SCHRIMPF: Mr. Chairman, it could
25 be a newspaper article.

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1 CHAIRMAN BOHL: Well, that may be, but
2 we don't have it before us, first off.

3 MR. SCHRIMPF: Well, but we can ask
4 her.

5 THE WITNESS: Okay. I can obtain - -

6 CHAIRMAN BOHL: Secondly, Mr. Gimbel
7 was not provided that in advance, unless it's
8 provided here, and thirdly, we could be - - the
9 inability to surmise on what specifically it
10 listed the address. At this point only we are
11 not allowed to - - It's a quasi-body. There's
12 property rights vested in - - in any license. We
13 are not allowed to take hearsay evidence. So I -
14 - If you could substantiate that from your own
15 personal knowledge as to what happened - -

16 THE WITNESS: Then - - Then actually
17 then we can take the testimony from me,
18 personally. I was a resident at 7457 West
19 Thurston for three years.

20 CHAIRMAN BOHL: Okay.

21 THE WITNESS: I approached the gas
22 station because of the litter, because of the
23 excess traffic. I approached - - approached the
24 alderman at the time. Please help me to do - -
25 stop the traffic that was coming from that gas

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1 station. I pleaded because of the problems with
2 people dealing drugs from that back fence. There
3 was a fence. We now own the property of 7510
4 West Thurston, and for three years I watched
5 people walking from the rear of that gas station
6 to around the side of the wooden fence at the - -
7 at the south side of 7510 West Thurston to make
8 their drug deals and then the guys would walk
9 back down around the field. Personally, I
10 watched this for three years. Three years.

11 I have seen many people who have
12 disrespected our property at any given time. I
13 have asked that there be a fence put down there.
14 I have - - The garbage is ridiculous. And, yes,
15 they have no control what these people put on the
16 property after they leave the store. But I asked
17 for a fence to be put down there. I asked for a
18 lot of things that would have helped us. There
19 was no - - There was no issue made, no reference
20 made to me getting any help of any kind at all.
21 But I do know that when I walk - - When I go past
22 that station now, this past winter, there was a
23 car up on the lawn. I patrol these areas. I am
24 constantly on our properties. I have seen cars
25 there for years that stood in the lot, storage or

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1 - - otherwise. In the night I will - - I will go
2 out into the neighborhood, as many of the
3 neighbors over there do now. I - - I personally
4 can tell you that that service bay that was open
5 there was a - - a stronghold for young men who
6 were dealing drugs. A young man that killed a
7 tenant on the 7700 block stayed over there and
8 hawked CDs. He used to work for me. This is not
9 hearsay. This is nothing. Clarence was his
10 name. He shot a woman. He shot a woman in the
11 neighborhood, and he was allowed to be over there
12 and to sell CDs outside of the service bay.

13 The service bay was now closed down.
14 That's fine. It hasn't stopped the cruising. It
15 hasn't stopped anything else. Nothing at all.
16 Nothing at all. And personally when, hearsay I
17 know, someone can rob a tenant of mine and jump
18 over the back fence into the lot of the gas
19 station, I think something needs to be done.
20 Because they go into a public area and no one can
21 touch them.

22 CHAIRMAN BOHL: Is this a last
23 comments?

24 THE WITNESS: Well, I'm sorry. You can
25 - - feel that way. But we are talking about

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1 years and years of my personally seeing all of
2 these things going on. I do not live there
3 anymore. I do spend a lot of time in the
4 neighborhood, and I do listen to what my
5 constituents - - I have 55 units there - - 55.
6 And believe me, I am not going to stop just at
7 this right now, because there has to be
8 regulation. I don't want anyone to - - I don't
9 want to take anyone's livelihood away from them,
10 but you have to have regard for the neighbors.
11 There are many elderly people there, homeowners.
12 They can't all come down here. And it's - - It's
13 too bad they can't - - we can't represent them,
14 because I know Alderman - - You know, Alderman
15 Davis, he has talked to every one of these people
16 personally, and I have, also. But someone has to
17 regulate and someone has to look out for the
18 people in that neighborhood. We are doing
19 everything in our power to keep those properties
20 up, to keep the property value up. That station
21 is chasing away many of elderly tenants, not only
22 tenants, but elderly homeowners.

23 MR. GIMBEL: This is a speech, not
24 testimony.

25 CHAIRMAN BOHL: Yeah, we - - we need to

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1 restrict this to testimony, Mrs. Tobolt.

2 THE WITNESS: That's fine.

3 CHAIRMAN BOHL: Are you finished at
4 this point?

5 THE WITNESS: I - - I believe so,
6 except to say that I don't believe that there
7 should be overnight hours at all.

8 CHAIRMAN BOHL: Okay.

9 THE WITNESS: For that station.

10 CHAIRMAN BOHL: Question by committee
11 of Ms. Tobolt?

12 ALDERMAN GORDON: Mr. Chairman.

13 CHAIRMAN BOHL: Alderman Gordon?

14 ALDERMAN GORDON: Thank you. Ms.

15 Tobolt, I just wanted to ask you a couple
16 questions about your observations of drug
17 transactions over the three year period that you
18 testified to. In that three year period would
19 you break it down in terms of an average
20 observation of this kind of transacting going on
21 that you personally observed?

22 THE WITNESS: Alderman Gordon, they
23 were so blatant, they would do this in the
24 daytime and then walk back down to the station.

25 ALDERMAN GORDON: Okay.

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1 THE WITNESS: This could happen any day
2 of the week. It did not make any difference. I
3 used to call the police, and the police would
4 come, and they'd always miss them. I gave them
5 license plate numbers and whatever, but we can't
6 trace what's going on behind the building.

7 ALDERMAN GORDON: What I wanted to ask
8 you is that did you personally observe on a daily
9 basis what number of transactions taking place?

10 THE WITNESS: Two to three.

11 ALDERMAN GORDON: Per day?

12 THE WITNESS: Per day, oh, yeah.

13 ALDERMAN GORDON: Five days a week?

14 Six days a week?

15 THE WITNESS: Seven.

16 ALDERMAN GORDON: And they were during
17 all hours of the day?

18 THE WITNESS: All hours of the day and
19 night.

20 ALDERMAN GORDON: Thank you.

21 CHAIRMAN BOHL: Any other questions by
22 committee? Before we - - we just proceed. I - -
23 I want to have Alderman Gordon make the
24 photographs provided for us by Mr. Gimbel part of
25 our record. Hearing no objections then, so

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1 ordered. Mr. Gimbel?

2 MR. GIMBEL: Thank you. Ms. Tobolt,
3 when was it that you resided at 7457 West
4 Thurston Avenue?

5 THE WITNESS: I resided there from '90
6 - - '96 until '99.

7 MR. GIMBEL: So you have not been a
8 resident of the area within six blocks of this
9 station for the past five years. Is that
10 accurate?

11 THE WITNESS: No. I am the property
12 manager.

13 MR. GIMBEL: Just answer the questions,
14 if you would, please, ma'am.

15 THE WITNESS: No, I have not been a
16 resident.

17 MR. GIMBEL: Thank you very much. Now,
18 you answered Alderman Gordon's question about
19 this observation that you claim to have made
20 about drug transactions occurring on or about the
21 premises of my client at all times of the day.
22 How many of those transactions did you personally
23 observe between the hours of 12 midnight on any
24 given day and five a.m. in the morning?

25 THE WITNESS: On two occasions when

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1 coming home late on - - on a weekend night, can't
2 say whether it was a Friday or Saturday night, I
3 did call the police in regard to young men
4 congregating at that same spot. Two cars that I
5 was - - that I knew personally were used by
6 people who were picking up or doing whatever, and
7 the police knew them too, were in this circle.
8 So at least two occasions after 12 o'clock at
9 night, I did observe these cars in that area, and
10 the police were aware.

11 MR. GIMBEL: Would you tell the
12 committee, please, what days those two occasions,
13 those two observations occurred? What date?

14 THE WITNESS: I do not know what date?

15 MR. GIMBEL: What year?

16 THE WITNESS: That would have been in
17 '98 right before I moved.

18 MR. GIMBEL: So since 1998 you have not
19 observed what you claim to have otherwise
20 observed, drug transactions after midnight and
21 before five a.m. in the morning for the last six
22 years. Is that accurate?

23 THE WITNESS: Not me personally, no.

24 MR. GIMBEL: That is accurate. Is that
25 correct?

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1 THE WITNESS: That's accurate.

2 MR. GIMBEL: Now, you also testified
3 here that there were people that were doing
4 things in - - behind the building of the station.
5 Is that right?

6 THE WITNESS: Yes.

7 MR. GIMBEL: What effect, if any, do
8 you believe the closing of this station from
9 midnight to five o'clock in the morning would
10 have on that activity continuing or
11 discontinuing?

12 THE WITNESS: I believe if there was no
13 - - no access to the public without, you know, if
14 the police would not - - would be able to watch
15 that area a lot better. If it were closed, at
16 least we - - they could not say that they were
17 patrons of the station, then they could be - -
18 they could be regulated on that basis.

19 MR. GIMBEL: I don't want to cut you
20 off. But you're saying potentially that you
21 think the police would work more effectively in
22 doing their work on this location if the station
23 were closed to the public as against being open
24 to the public?

25 THE WITNESS: During those overnight

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1 hours, yes, I do believe that.

2 MR. GIMBEL: And what's the basis of
3 that belief?

4 THE WITNESS: I believe that if they
5 had - - if they would have cars to go onto the
6 property because it was closed and there were not
7 - - you're not supposed to be on private
8 property. If there was a congregation of people
9 on that property in the overnight hours, then if
10 the station is closed, they have no business
11 being there and they could regulate it.

12 MR. GIMBEL: Well, this is a public - -
13 public - - public invited place. You understand
14 that statement.

15 THE WITNESS: If it's open.

16 MR. GIMBEL: And so you're saying that
17 - - that the police would be able to go on the
18 premises and - - and - - and arrest people who
19 were there - -

20 THE WITNESS: If after - -

21 MR. GIMBEL: Let me finish the
22 question.

23 THE WITNESS: Okay.

24 MR. GIMBEL: - - who would arrest
25 people who were there because the station was

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1 closed rather than because of their behavior, of
2 the individuals' behavior?

3 THE WITNESS: If it were a posted
4 property, they would have - - they would have a
5 reason to question why those people were there.
6 If it was our property, and I have a posted
7 property, I have due cause, I have a reason to
8 call the police to come and to check what is
9 going on.

10 MR. GIMBEL: So it's your testimony, as
11 I understand it, to this committee and
12 justification of your opposition to the
13 application of my client for 24 hour permission,
14 that the police will enforce the trespass laws
15 and - - and be present and arrest people with the
16 station closed where they won't investigate and
17 arrest drug dealers if this station is open?

18 THE WITNESS: Well, if there are people
19 that are not supposed to be there on the
20 property, they have - - they have a reason to
21 question them. If there is a station that is
22 open and running there, they do not, and I have
23 been told this by the police. They may not go
24 - - They may not, unless there is a complaint
25 from a certain - - a person. They may not

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1 approach. They may not, unless they have
2 probable cause. And if you are on private
3 property if it's closed and it's posted, I would
4 just assume if it's like my property, I have
5 public - - I have - - I have private property.
6 If it's posted, you cannot go - - you can't go on
7 my property if you have no reason to be there.
8 If you have a posted property, I would - - I
9 would assume you're not supposed to be there.
10 You would have police checking it.

11 MR. GIMBEL: You haven't had any legal
12 friends, have you?

13 THE WITNESS: No.

14 MR. GIMBEL: You never worked for the
15 police, did you?

16 THE WITNESS: No, sir.

17 MR. GIMBEL: Okay.

18 THE WITNESS: But I work with them all
19 the time.

20 MR. GIMBEL: I understand. And - - And
21 we're happy for it. Now, is it true that you
22 have not been physically present at this location
23 from midnight to five a.m. in the morning since
24 1999 when you moved from the neighborhood?

25 THE WITNESS: I would not say not - -

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1 No, not - - Never say "never" to being present.
2 I have been there at times, but - -
3 MR. GIMBEL: I have nothing further.
4 Thank you.
5 CHAIRMAN BOHL: Thank you. Thank you,
6 Mrs. Tobolt.
7 ALDERMAN DAVIS: Mr. Chairman.
8 CHAIRMAN BOHL: Alderman Davis.
9 ALDERMAN DAVIS: I just have one
10 question, a couple of questions for Mrs. Tobolt.
11 Mrs. Tobolt, on the afternoon of April
12 10th, 2004 did you observe me walking in the
13 vicinity of that particular location?
14 THE WITNESS: Yes, Alderman Davis, I
15 was looking for you.
16 ALDERMAN DAVIS: And if you observed
17 me, did we make contact with each other and spoke
18 with each other?
19 THE WITNESS: Yes, we did.
20 ALDERMAN DAVIS: And, Mrs. Tobolt, do
21 you recognize this piece of paper that I'm
22 holding before you?
23 THE WITNESS: Yes, I do.
24 ALDERMAN DAVIS: And at that time did
25 you observe - - or did you observe and/or did you

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1 sign this piece of paper that I have before you?
2 MR. GIMBEL: I'm going to object to
3 this question. The line of question is A, it's
4 irrelevant, whether he circulated the
5 neighborhood and got - - got signatures. The
6 document is not enhanced in terms of its
7 admissibility by reason of someone having seen
8 Alderman Davis go door to door, see people sign
9 it. It's still hearsay. The people aren't here,
10 not subject to my cross-examination. They have
11 to take an oath.

12 CHAIRMAN BOHL: The only thing that - -
13 The only thing that is functional does is it - -
14 it provides credence that Alderman Davis was
15 there and that she signed it. It still doesn't
16 qualify the others who have not signed it.

17 MR. GIMBEL: My objection is to - - to
18 this request that Alderman Davis has a petition.
19 It has nothing to do with his quality as a public
20 servant. I know he's - -

21 CHAIRMAN BOHL: And, Mr. Gimbel, we
22 know that as well, too, here. Alderman Davis - -

23 ALDERMAN DAVIS: And I - - You know
24 exactly.

25 CHAIRMAN BOHL: Certainly.

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1 ALDERMAN DAVIS: And I just wanted to
2 make sure that this is not an Alderman Davis
3 request. This is a request from our community,
4 and, Mrs. Tobolt, on that Saturday, she was one
5 of many people that I - - I touched and discussed
6 this issue with. So for me, and I respect
7 Attorney Gimbel tremendously, if he - - if he
8 mentioned at the Common Council meeting, the last
9 Common Council meeting, he is the one who told me
10 that ethic pride is something that all of us
11 should be proud of. And I just want to make sure
12 that I'm putting my place - - I am generally
13 putting myself in a place where I've done due
14 diligence as a public official, and I - - I
15 wanted to ask Ms. Tobolt those questions so that
16 people understand that abuse of power is not an
17 issue here. It's one who a public official is
18 trying to make sure that they represent their
19 constituents at the best level that they can.

20 CHAIRMAN BOHL: And anyone who knows
21 you, Alderman Davis, knows that that's true.

22 ALDERMAN DAVIS: Thank you, Mrs.
23 Tobolt, I appreciate it.

24 ALDERMAN WITKOWSKI: Mr. Chairman, I
25 have a question.

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1 CHAIRMAN BOHL: Alderman Witkowski,
2 please proceed.

3 ALDERMAN WITKOWSKI: As property
4 manager did you observe any drug dealing going
5 on, and if so, when and how many times?

6 THE WITNESS: As a property manager,
7 two years ago specifically, we had a tenant, now
8 removed, who turned out to be a wanted felon. He
9 lived at 7510, number one, on West Thurston. At
10 that time I had occasions to have the police
11 department, 4th District, do circum - - you know,
12 just do - - do the driveways, check the cars and
13 things, because they were - - they had approached
14 me about looking for someone I did not know. I
15 had not seen. During that time an officer and I
16 talked, and two cars that I recognized, and I
17 mean, these were well put together, older cars,
18 guys were working on, drove - - drove into the
19 circle and drove away. And then I - - I said to
20 the officer, I said, "Well, those - - There's two
21 of those guys. They're right there." And they
22 took off. By the time the police got around,
23 they had - - they circled one more time and they
24 went back. Now - -

25 ALDERMAN WITKOWSKI: What's - - What's

00027

1 your relationship to the station, the Express
2 Pantry, to them?

3 THE WITNESS: Directly to the back.
4 Directly. 7510 West Thurston and the fence for
5 the station adjoin.

6 ALDERMAN WITKOWSKI: Thank you.

7 MR. GIMBEL: I move to strike the
8 answer as not relevant to the issues here that
9 happened two years ago daytime.

10 CHAIRMAN BOHL: Well, I - - It may lead
11 to something else. I - - I didn't necessarily
12 gather the correlation on that location, as well,
13 so. Alderman Witkowski, are you finished here?

14 ALDERMAN WITKOWSKI: Yes.

15 CHAIRMAN BOHL: Thank you. Thank you.

16 THE WITNESS: Thank you.

17 CHAIRMAN BOHL: Ma'am, if we could get
18 your name and your address for the record, and
19 we'll move forward.

20 THE WITNESS: My name is Netta
21 Alexander.

22 CHAIRMAN BOHL: I'm sorry. Somebody
23 was coughing with the last name here.

24 THE WITNESS: Netta Alexander, and I
25 live at 6719 North 76th Street. Contrary to Ms.

00028

1 Tobolt, I watch almost every night the activity
2 that goes on, because I am tired of this filling
3 station. You see drug deals every day, any time
4 of day, any time of night. Loud music. The
5 young people come through there with music any
6 particular night, any particular day. They sit
7 on the parking lot. She got young girls, young
8 males, standing on cars, continually walking the
9 alleys, especially after midnight going back and
10 forth to that filling station. My bedroom's
11 right off the alley, all the - - Everything goes
12 on from that corner. At times there's gunshots
13 there. The police get called. At one given
14 time, I think it was last year, two young men
15 were sitting on the curb in front of my home,
16 smoking weed, dealing drugs. I called the police
17 station. They asked me what did I want them to
18 do. Did I want them to call someone? No. I
19 just called because I didn't have anything else
20 to do. I called them like two in the afternoon.
21 Someone come to my home like five in the evening,
22 wanted to know was they still there. Of course
23 not. I called the alderman. I called his office
24 at this time. It has really gotten out of
25 control. My husband and I have to watch and

00029

1 observe young people, underage. I know they're
2 underage, because I've lived in the neighborhood
3 for excess of 16 years. Went to the station,
4 cigarettes were sold to them. All this kind of
5 stuff is going on and no one seems to care. Like
6 my husband said, they really want to know that
7 they had a video camera. They could check that
8 and see exactly what goes on. This is not my
9 first time down here about this. I'm losing
10 sleep.

11 I also have to watch on weekends for
12 traffic. That's when traffic is going all - -
13 Traffic is going north on both sides of the
14 street. I'm concerned about my property, my car
15 is sitting out there. They don't care. They
16 bump it. They don't care. Then Milwaukee's
17 finest come over there. They're a group of
18 whites, underage. They - - They actually told
19 them they should not be in the neighborhood
20 because it was dangerous for them. Did they
21 arrest them like they would some of our children?
22 No. They told them they better go home. They
23 sent them all somewhere. This is not something
24 someone told me. This is something I stood and
25 watched myself. Yes, I have concerns about this.

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1 MR. SCHRIMPF: Mr. Chairman.

2 CHAIRMAN BOHL: Mr. Schrimpf, hold it
3 one second here. Mrs. Alexander, you've spoken
4 of loud music and the cruising, sitting on the
5 lot. Is this something that is happening during
6 the late night hours?

7 THE WITNESS: It's any time. Each
8 night - - And I'm telling you what I've seen
9 because I can sit at my windows and watch it
10 going down.

11 CHAIRMAN BOHL: How - - How frequent is
12 this? And when - - when has this been occurring?
13 Is this something that's been a frequent
14 occurrence, something in the very recent past?

15 THE WITNESS: This has been two or
16 three years. This is a regular thing. This is
17 regular activity. This is nothing new. Like I
18 say, I've been here before.

19 CHAIRMAN BOHL: And you - - You,
20 personally, have - - have contacted the police
21 department for this?

22 THE WITNESS: Oh, yeah.

23 CHAIRMAN BOHL: Okay. Mr. Schrimpf.

24 MR. SCHRIMPF: Thank you, Mr. Chairman.
25 When you say "two or three years," you're saying

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1 for the last two or three years and continuing
2 right up to the present, or you only saw it two
3 or three years ago?

4 THE WITNESS: No, this is still today,
5 including this.

6 MR. SCHRIMPF: Okay.

7 THE WITNESS: I've been there 16 years.

8 MR. SCHRIMPF: Okay. The cars that you
9 mentioned that went north on both sides of the
10 street, did those cars stop at this station or
11 did they leave from this station?

12 THE WITNESS: The parking station was
13 full, they left. And they find it all fun to go
14 out into traffic to just stop traffic.

15 MR. SCHRIMPF: And this is on 75th?

16 THE WITNESS: This is on 75th. The
17 alley is full. The street is full. They're on
18 the lawns. They just don't have anywhere else to
19 go.

20 MR. SCHRIMPF: And the two young men
21 that were sitting on your curb and smoking - -

22 THE WITNESS: There was about six of
23 them.

24 MR. SCHRIMPF: About six people sitting
25 on your curb and you could smell that they were

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1 smoking marijuana?
2 THE WITNESS: Yeah.
3 MR. SCHRIMPF: Where had they come
4 from?
5 THE WITNESS: They come from the
6 station.
7 MR. SCHRIMPF: And you personally saw
8 that?
9 THE WITNESS: Yeah, I - -
10 MR. SCHRIMPF: When was this?
11 THE WITNESS: I see these kids all the
12 time.
13 MR. SCHRIMPF: When - - Can you give me
14 an approximate date?
15 THE WITNESS: That was last year
16 sometime. I don't want to give an approximate
17 date, because - -
18 MR. SCHRIMPF: Was it in the summer?
19 THE WITNESS: Yes. Yes, because it's
20 been winter.
21 MR. SCHRIMPF: And was it between
22 midnight and five a.m. or was it some other time?
23 THE WITNESS: No, this was like three
24 or four o'clock in the afternoon.
25 MR. SCHRIMPF: Okay. Have you seen

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1 people leave this premises between the hours of
2 midnight and five a.m. and cause disturbances?

3 THE WITNESS: Oh, yes. Like I said,
4 it's a nightly thing. This is not just a weekly
5 thing. It's a nightly thing. They go to the
6 filling station. I think there he's aware of it.
7 They get out of their cars. They leave their
8 music blasting while they are in the station, in
9 the station.

10 MR. SCHRIMPF: Has this ever disturbed
11 your sleep?

12 THE WITNESS: I'm watching them out the
13 window to 12 and one and two o'clock in the
14 morning. I have to say yes.

15 MR. SCHRIMPF: That's all I have, Mr.
16 Chairman.

17 CHAIRMAN BOHL: Are there questions by
18 committee for Mrs. Alexander?

19 ALDERMAN DAVIS: Mr. Chairman.

20 CHAIRMAN BOHL: Alderman Davis, go
21 ahead.

22 ALDERMAN DAVIS: Publicly I just want
23 to thank Mrs. Alexander for coming down here.
24 She's been a jewel and I've stopped by her house
25 numerous times, and this is the reason why I do

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1 my job.

2 CHAIRMAN BOHL: Well- acknowledged.

3 Mr. Gimbel.

4 MR. GIMBEL: Thank you. Mrs.
5 Alexander, you're not asking this committee to
6 believe that if this filling station closes from
7 midnight to five a.m. in the morning, that all
8 the problems that you've talked about here are
9 going to go away.

10 THE WITNESS: No. But I believe a lot
11 of it will go away.

12 MR. GIMBEL: For example, kids smoking
13 dope on your lawn in the after - -

14 CHAIRMAN BOHL: Mr. Gimbel. Oh, I'm
15 sorry. If there is anybody who has come in this
16 room who has a cell phone on at this point or
17 anything else that disturbs the committee, I will
18 insure that you will not come forward here to
19 speak on any matter. If you have a matter that
20 will be held here, you can get a good lawyer and
21 sue the city, because I will not hear you. If
22 that is not understood and somebody doesn't turn
23 off a cell phone or pager, at this point and they
24 have one, leave this - - this room and don't come
25 back. Because that - - That will be my

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1 commitment to you as the chairman of this
2 committee if we have another disturbance of that
3 sort, of any of you who are present here. I'm
4 sorry about that, Mr. Gimbel. Please proceed.

5 MR. GIMBEL: I understand. I agree
6 with you. I understand.

7 What I'm saying to you, Mrs. Alexander,
8 with all due respect to your observations, is
9 that whether this station is closed from midnight
10 to five or not, you're still going to have people
11 driving up and down 76th Street. Don't you agree
12 with me?

13 THE WITNESS: Um-hmh.

14 MR. GIMBEL: And they'll be driving up
15 and down 76th Street, will they not?

16 THE WITNESS: Um-hmh.

17 MR. GIMBEL: And - - And kids who want
18 to get into mischief will get into mischief
19 whether this station's open between midnight and
20 five o'clock or not, won't they?

21 THE WITNESS: But I'm not talking about
22 driving up and down 76th Street 75th Street. I'm
23 talking about the activities at the station,
24 activities that I watch.

25 MR. GIMBEL: And have you gone and

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1 talked to Mr. Amir or anybody else about your
2 concerns?

3 THE WITNESS: No.

4 MR. GIMBEL: Did you know that there
5 were signs posted on that station telling people
6 that if they come into that place with loud
7 music, if they loiter there, they will not be
8 served anything?

9 THE WITNESS: Fine.

10 MR. GIMBEL: Did you see the signs?

11 THE WITNESS: No, I didn't see any.

12 MR. GIMBEL: Now, are there other
13 businesses on - - on 76th Street that are also
14 open during the evening hours?

15 THE WITNESS: You have to mean the
16 liquor store across the street.

17 MR. GIMBEL: And when is that open?

18 CHAIRMAN BOHL: She said that there was
19 a liquor store across the street.

20 MR. GIMBEL: And is that a business
21 that contributes to problems that you have
22 observed in your neighborhood?

23 THE WITNESS: No. When they aren't
24 congregating at the station, they go into that
25 business, that liquor store, they do what they

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1 have to do and leave.

2 MR. GIMBEL: So you're saying that
3 people go to the filling station, they hang out
4 there. Is that what you're saying, between 12
5 and five o'clock in the morning?

6 THE WITNESS: I think you heard me, but
7 yes, they do. They hang there. They sit there.
8 They do whatever they do there. Yes, they do.

9 MR. GIMBEL: And you think that if - -
10 if the station were closed, that they would not
11 continue to do that same thing?

12 THE WITNESS: I would cut down on a lot
13 of the traffic, yes.

14 MR. GIMBEL: And why do you say that?
15 What's your basis for saying it?

16 THE WITNESS: Because a lot of times
17 when they come there it is dark. They sit
18 there, they do and say anything they please. I
19 haven't noticed anyone who owns the station would
20 come out and say anything. The only time
21 something is done is when someone calls the
22 police or our alderman talks to them to get
23 something done.

24 MR. GIMBEL: So are you suggesting that
25 - - that the problem is a problem related to

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1 daylight or night time?

2 THE WITNESS: I'm not suggesting
3 anything. I'm just telling you what I've heard,
4 what I've seen, and I'm trying to relate that to
5 the committee. And they can take it for what
6 it's worth. I'm not suggesting anything.

7 MR. GIMBEL: What I'm asking you here
8 is - - is for you to give to this committee a
9 factual statement, as best you can, as to what
10 effect, if any, closing the station from midnight
11 to five o'clock will have on the problems you've
12 described. As I understand, your problems occur
13 24 hours a day.

14 THE WITNESS: I'm not - - They can - -
15 I've given my statement. I said what I've
16 observed here. The committee, I think have
17 common sense. They can do what they think is
18 best.

19 CHAIRMAN BOHL: And I think she's
20 right, Mr. Gimbel, because if she was giving her
21 opinion on other matters contrary, I think you
22 would raise questions, indicate that's her
23 opinion.

24 MR. GIMBEL: I qualify - -

25 CHAIRMAN BOHL: I think we've got an

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1 idea as to - -

2 MR. GIMBEL: I'm sorry. Then I'm
3 finished.

4 CHAIRMAN BOHL: Okay. Thank you.
5 Thank you, Mrs. Alexander. I appreciate that.
6 Mr. Givens, did you intend to testify on this
7 location here, as well, too, here? Well, if you
8 want to slide the microphone down, we'll swear
9 you in, because I don't know if you were in the
10 room on that matter. Do you want to raise your
11 right hand?

12 MS. ELMER: Do you solemnly swear to
13 tell the truth, the whole truth, and nothing but
14 the truth, so help you God?

15 MR. GIVENS: I do.

16 CHAIRMAN BOHL: Do you just want to
17 provide your name and your address for the
18 record?

19 MR. GIVENS: Gary Givens, G-I-V-E-N-S.
20 3926 North 44th Street.

21 CHAIRMAN BOHL: I - - I think you may
22 know the spiel, but we'll - - It would have to be
23 items that you personally have witnessed in terms
24 of relevance at this location.

25 THE WITNESS: Yes. Mr. Chairman, I - -

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1 On many occasions I've been out between the hours
2 of, say, 12 o'clock and four o'clock in the
3 morning, on the weekends, and also, on the
4 weekdays. And - - And I have personally observed
5 this particular station where there has been
6 numerous cars on the lot. There's no business
7 transactions going on. And by that, I mean,
8 purchasing gas or going into the convenience
9 store. There has been times where the lot is
10 full and people are out of their cars just as
11 somebody - - testimony you've heard before, and
12 it just - - it's a gathering place, and I just
13 wanted to kind of let the committee know that I
14 believe that this is one of the problem spots
15 that seems to attract crowds between the hours of
16 12 and - - and four o'clock in the morning. And
17 I would be - - be in opposition to this
18 establishment operating during those times.

19 MR. SCHRIMPF: Mr. Chairman.

20 CHAIRMAN BOHL: Mr. Schrimpf.

21 MR. SCHRIMPF: Thank you. Mr. Givens,
22 just so that I'm clear. When you observed the
23 people out of their cars, cars parked on the lot
24 at this location, are they doing anything?

25 THE WITNESS: They're just out just

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1 loitering.

2 MR. SCHRIMPF: Were they playing boom
3 boxes? Are they being noisy?

4 THE WITNESS: Yeah, they - -

5 MR. SCHRIMPF: Just standing there
6 having quiet conversation?

7 THE WITNESS: The cars are - - are on
8 the lot and some of the owners or drivers of the
9 vehicles are outside of their cars just sitting
10 around talking, their radios are - - are
11 blasting. Is - - I even witnessed one evening
12 where there was a - - I would term it a strip
13 show going on. And it was right there right on
14 - - on the edge of this particular lot.

15 MR. SCHRIMPF: Was this female or male?

16 THE WITNESS: A female.

17 MR. SCHRIMPF: And what was the female
18 doing?

19 THE WITNESS: Shaking - - Shaking her
20 body. And - -

21 MR. SCHRIMPF: Did she remove any
22 articles of clothing?

23 THE WITNESS: She removed some - - some
24 items of clothing. She was not totally nude, but
25 it was close to it.

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1 MR. SCHRIMPF: Was there a crowd around
2 her?

3 THE WITNESS: Yes, there was.

4 MR. SCHRIMPF: Were they cheering or
5 carrying on?

6 THE WITNESS: Yes, they were. They
7 were, I guess, egging her on. And also I'd like
8 to add at - - at the time that this was
9 happening, this station never did shut the lights
10 off or close down the pumps.

11 CHAIRMAN BOHL: Mr. Schrimpf, you just
12 - - let me come in with a follow-up. How long
13 this - - this one incident, how long a period of
14 time, Mr. Givens, were you - - were you in this
15 vicinity observing this?

16 THE WITNESS: I would - - I would say
17 probably 20 minutes, because at that particular
18 time all the traffic on 76th Street had stopped.
19 There is, you know, you could not move. And it
20 continued until the police came, until the police
21 were finally able to get to that particular site
22 to disperse the crowd. Because the police could
23 not even get - - get through the traffic. They
24 had to drive down the median strips.

25 CHAIRMAN BOHL: I know I've heard from

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1 my own constituents that tell me that even
2 drivers, individuals who were driving private
3 vehicles have to drive down the median.

4 THE WITNESS: Oh, absolutely.

5 CHAIRMAN BOHL: Nothing to do with this
6 location, but I know that that can be true.

7 MR. SCHRIMPF: Perhaps, Mr. Chairman,
8 the committee is going to have to come up with a
9 suggestion for a cabaret license for a gas
10 station.

11 CHAIRMAN BOHL: That comment is also
12 stricken. Any other questions by committee of
13 Mr. Givens?

14 ALDERMAN DAVIS: Mr. Chairman, I have a
15 question of Mr. Givens.

16 CHAIRMAN BOHL: Please, go ahead.

17 ALDERMAN DAVIS: Mr. Givens, are you
18 - - are you a member of the City of Milwaukee's
19 Anti-Cruising Task Force?

20 THE WITNESS: Yes, I am.

21 ALDERMAN DAVIS: And with that position
22 as a member of the City of Milwaukee Anti-
23 Cruising Task Force, can you spell out what
24 members are, to your recollection, who serves on
25 the - - on that task force?

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1 THE WITNESS: I'll try. You mean,
2 private individuals or?

3 ALDERMAN DAVIS: No, just - - The ones
4 who - - who have set - - I mean, if you can't,
5 off the top of your head - -

6 THE WITNESS: I can name a few.
7 Assistant Chief Barber, Deputy Inspector Sukovic,
8 and I believe, I'm not certain of his title, but
9 Shonk, on the police department.

10 ALDERMAN DAVIS: And who is the current
11 chair of that Anti-Cruising Task Force as we
12 speak?

13 THE WITNESS: Chief Barber.

14 ALDERMAN DAVIS: Is Alderman Fred
15 Gordon a member of that Anti-Cruising Task Force?

16 THE WITNESS: Yes, he is. And I did
17 not mean to omit him. I just hadn't got to that
18 point yet.

19 ALDERMAN DAVIS: And one last question,
20 Mr. Chairman. Mr. Givens, are you familiar with
21 what cruising is?

22 THE WITNESS: Yes, I am.

23 ALDERMAN DAVIS: And can you tell me
24 what type of behavior comes along with cruising?

25 THE WITNESS: Well, there's many - -

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1 many things that - - that come from cruising, one
2 being traffic obstruction, loitering, littering,
3 drug activity, trespassing on private property,
4 loud - - loud noise, and I could probbly think of
5 a few others, but I'm kind of drawing a blank.
6 But I think those are sufficient enough.

7 CHAIRMAN BOHL: Thank you, Alderman.
8 Thank you. Mr. Gimbel.

9 MR. GIMBEL: Thank you. Mr. Givens, I
10 think that based on your address that you live
11 some three plus miles away from this location.
12 Is that correct?

13 THE WITNESS: Yes, sir.

14 MR. GIMBEL: And you have an
15 occupation, do you, sir?

16 THE WITNESS: I'm retired.

17 MR. GIMBEL: What did you do before you
18 retired?

19 THE WITNESS: I was a financial
20 analyst.

21 MR. GIMBEL: And now I assume that your
22 - - your role as a member of this task force that
23 has been identified in your answers to the
24 questions by Alderman Davis is the reason you go
25 driving around at night, to check on cruising?

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1 THE WITNESS: No, sir.

2 MR. GIMBEL: Why - - Why are you out 12
3 o'clock at night looking at this filling station
4 on 76th and Silver Spring?

5 THE WITNESS: Well, because - - Well,
6 here let me back up. Part of the reason is
7 because I'm on the Anti-Cruising Task Force, but
8 the bigger part of it is that I'm a concerned
9 citizen. And this happened - - The cruising
10 happened - - The cruising has been going on for
11 six - seven years now, and we had a problem in my
12 immediate area, and ever since then I've taken it
13 upon myself to - - to try and do something about
14 it.

15 MR. GIMBEL: Now, you're not suggesting
16 that the - - that cruising is limited to the
17 intersection of 76th and Silver Spring, are you?

18 THE WITNESS: Absolutely not.

19 MR. GIMBEL: There are several places
20 in the City of Milwaukee which have cruising
21 problems.

22 THE WITNESS: Correct.

23 MR. GIMBEL: Right. Because young
24 people in their cars late at night have - - They
25 get some kind of pleasure in driving around. Is

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1 that right?

2 THE WITNESS: I can't answer for them,
3 but I would - - I'm surmising that that's one of
4 the reasons that they do it.

5 MR. GIMBEL: And - - And this station
6 on 76th Street that is owned by Mr. Amir, 5656
7 North 76th Street, is not the only filling
8 station that's open 24 hours a day in the area
9 that you have patrolled, is that accurate?

10 THE WITNESS: That's correct.

11 MR. GIMBEL: And would you say that
12 every filling station that is open 24 hours a day
13 that you patrolled has similar issues of
14 cruising, going by them, on major thoroughfares?

15 THE WITNESS: No, I wouldn't say that.
16 There's - - I would say that there are certain
17 stations that are - - what I considered - -
18 consider hot spots, that people are attracted to,
19 and this is - - this being one of them.

20 MR. GIMBEL: Have you ever taken notes
21 of observations that you made, reflecting the
22 dates upon which you made those observations?

23 THE WITNESS: Yes, sir.

24 MR. GIMBEL: Do you have, for example,
25 anything to tell the committee when it was that

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1 you say that you observed this kind of dancing
2 show on the - - on the property of my client - -
3 in the neighborhood where my client's station is?

4 THE WITNESS: No, I don't have
5 that information with me. In fact, I wasn't even
6 aware that this - - these licenses were being
7 heard today. I just happened to see it on
8 Channel 25 and - - and I came down here, because
9 I do know that there are some - - some locations
10 that applied for the licenses that - - that are
11 major problems with the cruises.

12 MR. GIMBEL: What year was it that you
13 saw this - -

14 THE WITNESS: This is last year, last
15 summer.

16 MR. GIMBEL: 2003? Summer of 2003?

17 THE WITNESS: Yes.

18 MR. GIMBEL: What time of the day or
19 night was it?

20 THE WITNESS: It was approximately two
21 o'clock - 2:30 in the morning.

22 MR. GIMBEL: And did you communicate
23 with the police about that?

24 THE WITNESS: I - - I called the
25 police, yes. Any time I see that happening, I

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1 call the police.

2 MR. GIMBEL: Do you have any other
3 specific instances that you observed since the
4 summer of 2003 between 12 and five o'clock in the
5 morning at this particular location?

6 THE WITNESS: I - - I'm sorry.

7 MR. GIMBEL: Did you observe any other
8 instances that you thought were troublesome,
9 between the hours of midnight and five a.m. in
10 the morning, since that incident in the summer of
11 2003?

12 THE WITNESS: Yes, I've - - I've
13 observed it several times. Not - - Not the
14 dancing part of it, but again, the congregation
15 on the lot, the continuation of the licensee to
16 do business, and I - - I did not witness any
17 attempt for them to alleviate the problem with
18 the cars on their lots.

19 MR. GIMBEL: Did you ever talk to the
20 owner or anybody - -

21 THE WITNESS: I - - I believe I talked
22 to them once. That was - - That was last year.

23 MR. GIMBEL: And is it your testimony
24 before this committee that if - - if this license
25 application to permit the station to stay open 24

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1 hours a day is - - is denied, that the problems
2 that you've identified will go away?

3 THE WITNESS: Some of the problems.
4 Because, again, this is one of the major sites
5 that the cruisers are attracted to. So if you
6 eliminate - - If you eliminate this one, then
7 that's - - that's an area that - - that you don't
8 have to put so much focus on. If there's
9 additional sites that need to be addressed, and
10 they will be addressed.

11 MR. GIMBEL: Thank you.

12 CHAIRMAN BOHL: Just - - This is a
13 little bit out of your neck of the woods. How
14 familiar are you with North 76th Street?

15 THE WITNESS: I'm pretty familiar with
16 it.

17 CHAIRMAN BOHL: You were asked by
18 counsel your knowledge as to gas stations in the
19 vicinity. Are you aware of any gas stations that
20 are with - - immediately within the matter of
21 blocks in either direction of this location?

22 THE WITNESS: Yes, I am. There's - -
23 There's a gas station on, I believe, 76th and
24 Mill that's a problem. There's one further north
25 of 76th Street, I'm trying to think where there's

00051

1 a - -

2 CHAIRMAN BOHL: Good Hope, possibly.

3 THE WITNESS: Good Hope or maybe Green

4 Tree.

5 CHAIRMAN BOHL: In terms of - -

6 THE WITNESS: And also there's - -

7 there's one on 64th and Silver Spring.

8 CHAIRMAN BOHL: In terms of the closest
9 proximity to other stations to this one, 76th and
10 Mill Road would be one. Would - - Are you

11 familiar with one that is on 76th Street, maybe a
12 short half block, couple houses from Grantosa.
13 It would be on the east side of the street.

14 THE WITNESS: 76th and Grantosa. Yes,

15 I am. Yes.

16 CHAIRMAN BOHL: And in terms of - - of
17 blocks that would be on the other side of Fond du

18 Lac Avenue, and then you have a long bridge, and
19 you have to cross over Silver Spring. So that

20 would be blocks in every direction in terms of
21 other businesses.

22 THE WITNESS: Yes.

23 CHAIRMAN BOHL: To your knowledge.

24 Are there any questions of Mr. Givens
25 at this point? Thank you, Mr. Givens. At this

00052

1 point, Mr. Gimbel, what we're going to do is
2 we'll - - If you could offer - - relinquish your
3 seat. Thank you very much for your testimony.
4 Mr. Gimbel, in terms of trying to proceed .. I
5 know you have a fair number of
6 - - of individuals here to provide testimony. I
7 would ask that if individuals are capable, if you
8 could, one by one filter to the microphone that's
9 on the stand. If you have a difficulty, if
10 you're elderly or have other concerns, please
11 feel free to take a seat. I don't - - I don't
12 want to provide any short straps if - - if you're
13 unable to answer questions from the microphone,
14 please feel free to take a seat and we'll - -
15 we'll get the microphone. But, Mr. Gimbel .. for
16 whatever orderly procession you so desire.

17 MR. GIMBEL: That's fine.

18 CHAIRMAN BOHL: Like I said, if you
19 could grab the microphone, and if you're able, if
20 you could just sit in the front row and we'll
21 pick you up next.

22 MR. GIMBEL: Why don't you state your
23 name and tell us where you live?

24 THE WITNESS: My name is Clara Gray, G-
25 R-A-Y. I live at 5735 North 74th Street.

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1 MR. GIMBEL: And, Ms. Gray, where is
2 your home with respect to the location of the gas
3 station that the application is being considered
4 by this committee, 5656 North 76th Street?

5 THE WITNESS: About a block over.

6 MR. GIMBEL: Are you a patron of this
7 place?

8 THE WITNESS: Yes.

9 MR. GIMBEL: Have you had opportunity
10 to observe the operation of this business
11 establishment on a daily basis from time to time
12 between midnight and five a.m. in the morning?

13 THE WITNESS: Yes, I've been in the
14 area for about two years now. I started going to
15 the gas station back in '94 - '95. It's a great
16 gas station to go to. It's convenient throughout
17 all hours. Mohammed, he's not only just a gas
18 station owner, he gets to know you. It's safety.
19 There ain't too many gas stations you can go to
20 during the night and get the type of security you
21 get there. At times I work all types of shifts,
22 and he's there. He's outside cleaning, you know,
23 sometimes he get a disturbance and he'll get
24 right on it. He gets so much respect. People
25 know him to where that they won't even get

00054

1 sometimes that type of disrespect because of what
2 he gives back to us during all types of hours.
3 There's times that I - - One time I was in high
4 school and I was late for school. He won't let
5 me in the gas station until I have a parent. So
6 he's been good to us, and it's really convenient
7 for us when we get off late or go to work early
8 for us to be there. He closes it down for an
9 hour to make fresh coffee and to put fresh food
10 in there. And you don't have to worry about
11 Mohammed not being there. You're always going to
12 see him sometime during the day. He's the one -
13 - one owner that we'll see at his station, and on
14 the station and taking care of his business. And
15 he makes it convenient for us. And he knows a
16 lot of children and the children know he knows
17 and they will give him respect and move on if -
18 - if they're creating a problem with - - So I
19 think the gas station should stay open 24 hours.

20 MR. GIMBEL: And you're saying that you
21 think that Mr. Amir, my client who is sitting
22 here with me, his first name is Mohammed?

23 THE WITNESS: Yes.

24 MR. GIMBEL: He reaches out to the
25 community to try to run - -

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1 THE WITNESS: Yes, he does.

2 MR. GIMBEL: - - a good business that
3 is harmonious with the neighborhood?

4 THE WITNESS: Yes. And I observed this
5 for about for the last past six - seven years - -
6 seven, myself.

7 MR. GIMBEL: Now, have you personally
8 observed this station to be the source of excess
9 traffic, loitering, littering or disorderly
10 behavior on that corner?

11 THE WITNESS: I remember one time when
12 McDonald's had a car show, and I was going in the
13 gas station at the time. And he saw the traffic
14 coming. He turned off the lights, shut the pumps
15 down until they sped off because they saw that
16 there was no service, and he went back to
17 business. And I was there inside, myself. He
18 just told me to stand aside while he shut it down
19 for a moment and bring it back to.

20 MR. GIMBEL: When was that?

21 THE WITNESS: That was about last year.
22 They give a car show every Friday down at
23 McDonald's about three o'clock in the morning
24 myself coming from going out. I was in the gas
25 station at the time.

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1 MR. GIMBEL: So you're saying you have
2 observed that he turns off the - -

3 THE WITNESS: Yes, I have.

4 MR. GIMBEL: - - and the lights in
5 order to reduce the traffic and - -

6 THE WITNESS: That's all day long. You
7 only can have two students in the store at a time
8 during the morning hours. It's all day long,
9 he's trying to keep things from happening up
10 there, so.

11 MR. GIMBEL: Do you see large crowds
12 congregating on his lot and do drug deals?

13 THE WITNESS: No, you never know.
14 Because I'm there a lot, too, on the lot. Might
15 see a old friend, might be passing a number of
16 cigarettes. Who says it always has to be drugs?

17 MR. GIMBEL: You want the committee to
18 recommend to the Common Council - -

19 THE WITNESS: Yes, because if you're
20 not standing next to them to see what they're
21 passing and what they're doing, you don't know if
22 it's drugs or not, because there's plenty times I
23 would stop and run into a friend while getting a
24 number or this and that. You're peeping out the
25 window. You just get your ass moving. You don't

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1 know what's really going on.

2 MR. GIMBEL: And my question I ask you
3 finally is do you want this committee to
4 recommend approval of this license for 24 hour
5 gas station?

6 THE WITNESS: Yes, I do.

7 MR. GIMBEL: And that's what you are
8 asking them to do?

9 THE WITNESS: Yes.

10 MR. GIMBEL: And how long have you
11 lived at this North 74th Street address?

12 THE WITNESS: Nine years, going on ten.

13 MR. GIMBEL: Thank you. How old are
14 you, by the way?

15 THE WITNESS: Twenty-seven.

16 MR. GIMBEL: Thank you very much.

17 THE WITNESS: My name is Nancy Davis.

18 I live at 5745 West - -

19 CHAIRMAN BOHL: I'm sorry. Mr. Gimbel,
20 if you could bring Mrs. Gray back or Ms. Gray
21 back. I just want to make certain, are there any
22 questions by committee of Ms. Gray at this time
23 here?

24 ALDERMAN GORDON: Mr. Chairman.

25 CHAIRMAN BOHL: Alderman Gordon.

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1 ALDERMAN GORDON: Ms. Gray, in the time
2 that you lived near the gas station have you ever
3 been in the situation where you were caught in
4 traffic?

5 THE WITNESS: Probably during the car
6 show trying to get in and out, but I saw it being
7 shut down, you're trying to get out, but they
8 already crowded you in so fast to where you got
9 to wait your turn, but not consistently, no. I
10 was - - I don't wait, really, for getting out.

11 ALDERMAN GORDON: Thank you.

12 CHAIRMAN BOHL: Other questions? Thank
13 you. Oh, by the way - - Your name and address
14 then.

15 THE WITNESS: My name is Constant
16 Holman. I live at 5735 North 79th Street.

17 CHAIRMAN BOHL: Ms. Holman, H-O-L-M-A-
18 N?

19 THE WITNESS: Yes.

20 CHAIRMAN BOHL: Thank you.

21 THE WITNESS: I reside there with my
22 fiance. His name is Clyde Neal. He's been there
23 - - He's owned the house about 17 years. I've
24 been there about three, living. And as a matter
25 of fact, I'm - - I'm a business owner myself. I

00059

1 own a beauty - - I mean, a nail and shoe shine
2 parlor at 6035 North Teutonia. And this actually
3 I've been in them all for 15 years. But it's the
4 Citgo like this around the corner on Teutonia -
5 Florist. But I won't even go there. I come all
6 the way, you know, back by the house and go
7 there, because they always treat me nice and I'm
8 interested in getting the - - the wash bay. I
9 want to rent the wash bay in the back, and - -
10 and I work at Miller's Brewery, too. And a lot
11 of times if I'm - - if I work second shift and I
12 still work full hours, I'm working from like
13 three - - three to three instead of three to 11.
14 And then I'm working - - If I work third shift a
15 lot of times, you know, I get off pretty early in
16 the morning, and like she said, there's always
17 fresh coffee. They treat you nice, and whenever,
18 you know, when they see me going back and forth
19 to my car, you know, they make sure when it's
20 like early in the morning or late at night, they
21 make sure that I get, you know, get back and
22 forth safe, and they - - They seem to be such
23 pleasant people, you know.

24 MR. GIMBEL: Have you had an
25 opportunity, Ms. Holman, to observe this location

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1 to be the source of excess traffic, loitering,
2 littering, and disorderly behavior?

3 THE WITNESS: I mean, there's traffic,
4 it's a gas station, you know, so - - But, you
5 know, like in the mornings a lot of times the
6 young people, they won't let them in, you know,
7 maybe like she said, two - - two people at a
8 time. Usually if there's too much commotion,
9 either him - - I don't know the other gentleman
10 that works there, they had come out, you know,
11 and sort of kind of, you know, asked them to
12 leave or they shut the pumps down, you know.
13 But, I mean, you can only do so much, you know.

14 MR. GIMBEL: So you are a patron of
15 this gas station?

16 THE WITNESS: Every day I go there.

17 MR. GIMBEL: Every day?

18 THE WITNESS: Every day.

19 MR. GIMBEL: And - - And frequently you
20 stop there?

21 THE WITNESS: Sometimes two or three
22 times a day. My fiance, he go there so much, I
23 told him he - - They own part of his checking
24 account. He plays the lottery there.

25 MR. GIMBEL: And are you frequently

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1 MR. SCHRIMPF: You said that there are
2 occasions when he has shut down the pumps?

3 THE WITNESS: Yes.

4 MR. SCHRIMPF: And why did he do that,
5 to your knowledge?

6 THE WITNESS: If too many - - If they
7 just be sitting in front of the pumps, you know,
8 and not, you know, pumping gas, you know.

9 MR. SCHRIMPF: So you have seen cars
10 sitting in front of the pumps and not pumping
11 gas.

12 THE WITNESS: Yeah, and then what he
13 would do, and there might be some that - - that
14 are pumping gas. But what he would do, he'd just
15 turn them off completely, and the other guy that
16 works there, he would come out and ask them to
17 leave the lot.

18 MR. SCHRIMPF: Okay. And you have
19 observed these things between - -

20 THE WITNESS: Yes.

21 MR. SCHRIMPF: - - midnight and five
22 a.m.?

23 THE WITNESS: More so, I could say
24 around between like 11:30 - - Like I said if I
25 get off work at 11, I'm usually at the station

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1 about 11:30.

2 MR. SCHRIMPF: How often are you there
3 between midnight and five?

4 THE WITNESS: Well, if Miller has me
5 working over about four hours every night, I
6 could be there until seven days a week.

7 MR. SCHRIMPF: Okay. That's all I
8 have, Mr. Chairman.

9 CHAIRMAN BOHL: Alderman Davis.

10 ALDERMAN DAVIS: I just want to make
11 sure that I mention on the record that there has
12 been a lot of interest in that wash bay and folks
13 have contacted my office, and I'm kind of
14 disturbed that - - that a constituent of mine
15 would have a - - a vested interest on keeping
16 this open, not to, you know, to cast aspersions,
17 but I - - I would hope that we're here because we
18 want to make sure that we maintain the integrity
19 of the community.

20 THE WITNESS: Yes.

21 ALDERMAN DAVIS: And not - - Excuse me
22 - - I just want - - I just want to finish.
23 And - - And we maintain the integrity of the
24 community so that we can keep the property values
25 up, and - - and not to put that aside because of

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1 our own personal business interests. That's
2 important to me as your elected official, because
3 whether it's you or anybody else, if someone gets
4 shot or someone gets killed up in that area, I'm
5 responsible for it. So I just wanted to make
6 sure on the record that there is a personal
7 interest in this particular testimony, and I
8 would hope that if you have an interest, I have
9 spoken with Mohammed about that, also, about my
10 concern about that wash bay because of the past
11 history of it.

12 THE WITNESS: Well, I had a interest
13 because they're so nice. And to me, I mean, it
14 seems to be a good location in - - in my
15 neighborhood, because I live at 5735 North 79th.

16 ALDERMAN DAVIS: I understand.

17 THE WITNESS: So - -

18 CHAIRMAN BOHL: Thank you, Ms. Holman.
19 If you could provide your - - your first and last
20 name again.

21 THE WITNESS: Okay. Nancy Davis, D-A-
22 V-I-S. And I also reside at 5745 North 74th
23 Street, and I think the gas station should stay
24 open 24 hours because it is very convenient. I
25 have also been up there between 12 and five. And

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1 it's not all what, you know, everybody's saying.
2 It is pretty, like, it gets busy a lot, but it's
3 not - - Well, I don't see none of that that's
4 going on, so I also think it should stay open 24
5 hours.

6 MR. GIMBEL: And - - And would you say
7 that this gas station does not act as the
8 resource for excess traffic, loitering, littering
9 and disorderly behavior?

10 THE WITNESS: Well, you know,
11 everybody's responsible for their own actions,
12 so, you know, I don't - - I won't say that.

13 MR. GIMBEL: You're a customer of the
14 station?

15 THE WITNESS: Yes.

16 MR. GIMBEL: And have you found that
17 they are responsible in terms of dealing with the
18 neighbors?

19 THE WITNESS: Yes.

20 MR. GIMBEL: And concerned about
21 concerns that are expressed by the neighbors?

22 THE WITNESS: Yes.

23 MR. GIMBEL: How long have you lived
24 there, Ms. Davis?

25 THE WITNESS: I lived there eight

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1 years, almost nine, too.
2 MR. GIMBEL: Thank you.
3 THE WITNESS: You're welcome.
4 CHAIRMAN BOHL: Ms. Davis. hold on one
5 second here. Questions by committee? Thank you.
6 MR. GIMBEL: Sammy Whitlow. Whitlow
7 here? Would you state your name and tell us
8 where you live, please, Ms. Whitlow?
9 THE WITNESS: Sammy Whitlow. I live on
10 74th and Florist Avenue.
11 CHAIRMAN BOHL: Ms. Whitlow, could you
12 just spell your last name, please?
13 THE WITNESS: W-H-I-T-L-O-W.
14 MR. GIMBEL: Now, are you aware of the
15 - - of the filling station at 5656 North 76th
16 Street?
17 THE WITNESS: Yes, I am.
18 MR. GIMBEL: And do you patronize that
19 station?
20 THE WITNESS: Yes, I do.
21 MR. GIMBEL: And have you had occasion
22 to observe the management of that gas station,
23 particularly in the late hours of the evening or
24 early hours of the morning?
25 THE WITNESS: Yes, I have.

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1 MR. GIMBEL: And do you believe that
2 the management addresses the problem of loitering
3 and traffic and disorderly behavior?

4 THE WITNESS: Yes, I do.

5 MR. GIMBEL: Have - - Have those
6 problems come visiting you in your home?

7 THE WITNESS: No.

8 MR. GIMBEL: From the station?

9 THE WITNESS: No.

10 MR. GIMBEL: How long have you lived
11 there, Ms. Whitlow?

12 THE WITNESS: For 37 years.

13 MR. GIMBEL: And do you think if they
14 close this gas station from midnight to five
15 o'clock in the morning that it will have any
16 effect at all on traffic and/or other behaviors
17 that now exist in that area?

18 THE WITNESS: I don't see that
19 possible. In other words, I think it would be
20 worse. Because if there's no one around, they
21 have the freedom then to really hang out.

22 MR. GIMBEL: So you think that the fact
23 that this place is open where there's lights on
24 and that there's somebody present there close to
25 a phone has a beneficial effect to the

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1 neighborhood?
2 THE WITNESS: Yes, I do.
3 MR. GIMBEL: Particularly from midnight
4 to five a.m. in the morning?
5 THE WITNESS: Yes.
6 MR. GIMBEL: And that's your feeling?
7 THE WITNESS: That's my feeling.
8 MR. GIMBEL: Do you want this committee
9 to recommend to the Common Council that they
10 approve this application for 24 hour operation?
11 THE WITNESS: I hope they keep it open.
12 MR. GIMBEL: Thank you very much.
13 CHAIRMAN BOHL: Ms. Whitlow, one moment
14 here. Questions by committee of Mrs. Whitlow?
15 THE WITNESS: Yes.
16 MR. SCHRIMPF: Mr. Chairman.
17 CHAIRMAN BOHL: Mr. Schrimpf.
18 MR. SCHRIMPF: Ms. Whitlow, have you
19 observed people hanging out at this station?
20 THE WITNESS: Not hanging out. I've
21 never seen hanging out. I've seen people coming
22 and go, getting gas, being served, and never
23 hanging out. I've never had a problem there in
24 all my years.
25 MR. SCHRIMPF: That's all. Thank you.

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1 CHAIRMAN BOHL: Mrs. Whitlow, I just -
2 - I have one follow-up question here for you.
3 You said you resided on 74th and Florist Avenue.
4 THE WITNESS: Yes.
5 CHAIRMAN BOHL: 74th and Florist, would
6 it be fair for me to say that that's a good two
7 and a half blocks north and then maybe two blocks
8 east of this location?
9 THE WITNESS: Yes, it would.
10 CHAIRMAN BOHL: Okay. That's all.
11 Thank you. Sir.
12 MR. GIMBEL: Would you state your name,
13 please?
14 THE WITNESS: Taron McMillian.
15 MR. GIMBEL: And where do you live, Mr.
16 McMillian?
17 THE WITNESS: I live at 7124 West
18 Thurston.
19 CHAIRMAN BOHL: Mr. McMillian. Your
20 first name was?
21 THE WITNESS: Taron. T-A-R-O-N.
22 CHAIRMAN BOHL: And the spelling of
23 your last name, please, sir?
24 THE WITNESS: M-C-M-I-L-L-I-A-N.
25 CHAIRMAN BOHL: Thank you very much.

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1 Please proceed.

2 MR. GIMBEL: And your address is 7124
3 West Thurston?

4 THE WITNESS: That's correct.

5 MR. GIMBEL: How long have you lived
6 there, Mr. McMillian?

7 THE WITNESS: I've lived there 15
8 years, but I've actually been in the area well
9 over 30.

10 MR. GIMBEL: So you've lived in the
11 vicinity of 76th and Silver Spring for 30 years?

12 THE WITNESS: I grew up out there. I
13 grew up there. I went to school in that area and
14 everything. I went to James Madison High School.
15 I went to John Burroughs. I've been out here
16 from 1966 until now. And at that particular gas
17 station before they even had it, it was a
18 Western. It's always been good to everybody in
19 that area.

20 MR. GIMBEL: And it continues to be
21 good through this owner?

22 THE WITNESS: It's still good now. I
23 have to get up at night, in the middle of the
24 night. I'm a truck driver, and I get up, and I
25 always got to fuel up my car. I'm glad that he's

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1 open. So I go there. I take care of my mother-
2 in-law. She has all kind of - - She's also
3 diabetic. Sometimes she needs sugar. I have to
4 get up in the middle of the night and go get
5 sugar. If he's not open, then I have to truck
6 way on the other side of town, way on Good Hope,
7 which is too far to be driving in the middle of
8 the night, taking a chance of getting pulled over
9 for something that may, you know, for just a
10 little illegal or whatever.

11 But it's very convenient for Mohammed's
12 station. And then I also agree with what the
13 other young ladies were saying. He is very nice
14 to us. We patronize his station. He is nice
15 with my wife and that, even my children. My
16 grandkids go in there. But in - - Besides the
17 other question that you're going to ask me, no, I
18 didn't see nobody standing around there, no drug
19 activity. I don't - - I never saw any of that.
20 People come and go there, and do what they got to
21 do. When the car wash was open, yeah, people
22 were standing around then, because they was
23 waiting on their cars to get hand-washed. But
24 all the other items that I heard come across to
25 put this station down, I never saw it.

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1 MR. GIMBEL: And did you have
2 opportunity to see it if it had occurred?
3 THE WITNESS: Yes, I would have. I'm a
4 very alert and aware person. I go there - -
5 Actually, I go in that station every day. Every
6 day, during any time of day, every day.
7 MR. GIMBEL: Do you believe that this
8 station being open from midnight to five a.m. in
9 the morning on any given day is the source of
10 excess traffic, loitering, littering, and
11 disorderly behavior by the people around it?
12 THE WITNESS: No. I mean, the wind
13 blows - - It blows paper all across the street.
14 You know, they can - - People can throw trash out
15 their window as they driving by, and it can blow
16 on his property, you know. But I don't see
17 nobody coming out of that store. I don't see
18 taking paper, open up bags, dumping it as they
19 walk out. I don't see any of that.
20 MR. GIMBEL: Do you think the fact that
21 if this place were closed from midnight to five
22 a.m. in the morning, that it would reduce the
23 traffic in that - - that intersection?
24 THE WITNESS: No.
25 MR. GIMBEL: Thank you.

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1 THE WITNESS: Because you got traffic
2 - - You got 76th and Silver Spring is a major
3 intersection. You got traffic coming from all
4 around. I mean, and that's not the only place
5 where you're going to generate traffic. He close
6 up, it's down there, and wherever you go you got
7 traffic. It's going to generate.
8 CHAIRMAN BOHL: Questions by committee
9 of Mr. McMillian.
10 ALDERMAN GORDON: Mr. Chairman.
11 CHAIRMAN BOHL: Alderman Gordon.
12 ALDERMAN GORDON: Thank you. Mr.
13 McMillian, you indicated that you go to the
14 station every day.
15 THE WITNESS: Every day.
16 ALDERMAN GORDON: And you go to the
17 station at all times of the day and night?
18 THE WITNESS: Yes. For certain items,
19 yes.
20 ALDERMAN GORDON: And you've never
21 gotten caught in traffic.
22 THE WITNESS: Not in the station. Out
23 at the traffic lights, yeah.
24 ALDERMAN GORDON: Okay. And you've
25 never witnessed any kinds of aberrant behavior,

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1 such as what's been testified to, by cruisers or
2 people involved in cruising?

3 THE WITNESS: People cruise up and down
4 all the streets, not inside the station. People
5 cruise - - They come in there. They do what they
6 got to do. And then they - - Then they leave.

7 ALDERMAN GORDON: You testified that
8 you've never seen, you know, people doing dancing
9 or playing loud music within the confines of the
10 area of this gas station?

11 THE WITNESS: No, I haven't saw that.
12 Now, I've - - I've seen people that - - that get
13 out of their vehicles, I mean, dressed in some
14 real peculiar ways, you know, I mean, like, what
15 - - I mean, come on.

16 ALDERMAN GORDON: But not in the
17 confines of the station.

18 THE WITNESS: Not - - Actually like
19 that one statement was made that the woman was
20 strip dancing. I've never ever seen nothing like
21 that.

22 ALDERMAN GORDON: Have you ever been at
23 the station when congregating on the street has
24 forced Mr. Amir to close the station?

25 THE WITNESS: No.

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1 ALDERMAN GORDON: Thank you.

2 CHAIRMAN BOHL: Any other questions by
3 committee? Thank you, Mr. McMillian.

4 MR. GIMBEL: Thank you. Mr. Franklin?

5 CHAIRMAN BOHL: Mr. Franklin, you've
6 been sworn in?

7 THE WITNESS: Yes.

8 CHAIRMAN BOHL: Okay.

9 THE WITNESS: My name is Anthony
10 Franklin. I reside at 7208 West Silver Spring
11 Drive. I've been living there all my life. I'm
12 44 years right now. I've been going to the
13 filling station for like every day. I went to
14 school with him. And I've never had no problems.
15 The man's always been great to us. He's always
16 out there picking up trash and everything and he
17 even offered me a job a couple times if I didn't
18 have nothing to do to help pick up some of the
19 trash when it started getting bad, which I have
20 done.

21 In the wintertime, too, I helped him
22 shovel snow and everything to keep the sidewalks
23 clear which a lot of places you won't find like
24 that.

25 MR. GIMBEL: Do you think he's a good

00076

1 neighbor?

2 THE WITNESS: Oh, very good.

3 MR. GIMBEL: And have you had an
4 occasion to observe this location between
5 midnight and five a.m.?

6 THE WITNESS: Oh, yeah. Like if I want
7 to get cigarettes, he was open. My father, he's
8 a diabetic, if he needs candy, he open. And I
9 would go for him and get it, because he's got a
10 bad leg. He's got arthritis, you know. He's up
11 there in age. If he had known about this meeting
12 going on, he'd be here himself. But he bought
13 the house back in '58, and like I told you, we
14 lived there all my life.

15 MR. GIMBEL: Do you believe that this
16 location is the source of excess traffic,
17 loitering, littering and disorderly behavior?

18 THE WITNESS: No.

19 MR. GIMBEL: Do you think that if this
20 station would be closed by order of the Common
21 Council between midnight and five a.m. in the
22 morning that traffic would be reduced on 76th and
23 Silver Spring?

24 THE WITNESS: No. Because like I said,
25 you have McDonald's. There's a filling station

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1 up a ways. It would make no difference,
2 whatsoever.

3 MR. GIMBEL: And - - And is it your
4 purpose for being here today to urge this
5 committee to recommend that this application for
6 24 hour authority to stay open be granted?

7 THE WITNESS: Yes

8 MR. GIMBEL: Thank you, sir.

9 ALDERMAN GORDON: Question, Mr.
10 Chairman.

11 CHAIRMAN BOHL: Mr. Franklin. Alderman
12 Gordon.

13 ALDERMAN GORDON: Thank you. Just a
14 couple questions. How far do you live from the
15 station?

16 THE WITNESS: About three blocks.

17 ALDERMAN GORDON: And you frequent the
18 station on a regular basis?

19 THE WITNESS: I'm there almost every
20 day, sometimes twice a day.

21 ALDERMAN GORDON: Do you go to the
22 station at night - -

23 THE WITNESS: Yes.

24 ALDERMAN GORDON: - - early in the
25 morning?

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1 THE WITNESS: Sure. A lot of times.

2 ALDERMAN GORDON: Have you ever gotten

3 caught in traffic?

4 THE WITNESS: No.

5 ALDERMAN GORDON: Have you observed

6 congregating on the premises with loud music,

7 loitering and boisterous behavior?

8 THE WITNESS: No, because he has signs

9 posted and everything else and stuff. If you

10 hang around, they would come out and stuff and

11 they would say something. People will be going

12 up and down the street and they can't stop them.

13 ALDERMAN GORDON: Have you ever - -

14 Have you ever observed the closing of the station

15 due to those kinds of situations?

16 THE WITNESS: No, not when I was there,

17 no.

18 ALDERMAN GORDON: Thank you.

19 CHAIRMAN BOHL: Any other questions by

20 committee at this point? Mr. Gimbel, before we

21 proceed, thank you here, Mr. Franklin, we need to

22 switch court reporters.

23 THE WITNESS: Okay.

24 CHAIRMAN BOHL: So we're going to just

25 - - What we'll do is we'll take a brief one

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1 minute recess just to allow setting up the court
2 reporter.

3 MR. GIMBEL: Do I have time to make a
4 phone call?

5 CHAIRMAN BOHL: Be back here in one
6 minute. Because as you - - I'll just let you
7 know, we're probably a couple hours behind right
8 now, and I don't want to go further than that.
9 One minute recess.

10 (Off the record.)

11 (Whereupon a recess was taken.)

12 (Back on the record.)

13 MR. GIMBEL: Would you kindly state
14 your name and tell us where you live?

15 THE WITNESS: Daryl Loftin 5833 North
16 75th Street.

17 MR. GIMBEL: And how long have you
18 lived at that location, Mr. Loftin?

19 THE WITNESS: Going on three years.

20 MR. GIMBEL: And are you familiar with
21 the operation of Mr. Amir's filling station on
22 the intersection - - near the intersection of
23 76th and Silver Spring?

24 THE WITNESS: Yes.

25 MR. GIMBEL: How far is that from where

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1 you live?
2 THE WITNESS: Approximately a block and
3 a half.
4 MR. GIMBEL: Are you a patron of that
5 station?
6 THE WITNESS: Yes, it saved my
7 marriage.
8 MR. GIMBEL: Saved your marriage.
9 That's a new one.
10 CHAIRMAN BOHL: That one my - -
11 THE WITNESS: You know, my wife was
12 seven months pregnant, and it was three a.m., and
13 she wanted sine Doritos and chocolate ice cream.
14 So.
15 MR. GIMBEL: Are you aware of the
16 operation of this station during the late night
17 hours, early morning hours, Mr. Lofton?
18 THE WITNESS: Yes. Yes.
19 MR. GIMBEL: Have you had occasion to
20 be able to observe this station between midnight
21 and five a.m. on any given day?
22 THE WITNESS: That's usually when I'm
23 there, during that time period.
24 MR. GIMBEL: And you work, do you?
25 THE WITNESS: Right. I have my own

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1 business for about 13 years, so I'm leaving as
2 far as, you know, work any time between 12 and
3 four a.m. is when I'm getting there, and if the
4 wife needs milk, you know - -

5 MR. GIMBEL: So you're a night worker.

6 THE WITNESS: Yes.

7 MR. GIMBEL: Have you had an
8 opportunity to observe at any time between
9 midnight and five a.m. in the morning on weekdays
10 or weekends, this particular location being the
11 source of excessive traffic, loitering, littering
12 and disorderly behavior?

13 THE WITNESS: No.

14 MR. GIMBEL: What, if any, effect on
15 those troublesome kinds of behavior does this
16 station being open have, if you know?

17 THE WITNESS: In my opinion, none. You
18 know, it's - - it's there. To me it doesn't
19 sound like a 24 hour problem. It sounds like a
20 - - a police problem, you know, which were
21 brought up before. You know, the police aren't
22 doing this, doing this. If it's not there, it
23 will be somewhere else.

24 MR. GIMBEL: And as a person who
25 is - -

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1 THE WITNESS: It's going to be
2 somewhere else.

3 MR. GIMBEL: - - who is a patron and a
4 neighbor of this station, do you believe that if
5 this station were required to close between the
6 midnight and five a.m. in the morning it would in
7 any way reduce the traffic in that area or reduce
8 whatever other behavior occurred that's negative
9 behavior?

10 THE WITNESS: Not at all.

11 MR. GIMBEL: Are you here today to urge
12 this committee to recommend to the Common Council
13 that the application of Mr. Amir for permission
14 to stay open 24 hours a day be granted?

15 THE WITNESS: Yes.

16 MR. GIMBEL: And you believe that's for
17 the benefit of the neighbors?

18 THE WITNESS: Oh, extremely. I mean,
19 everyone's talked about how nice they are and
20 everything. There's gas stations - - I mean, we
21 drive all over. You can go to any gas station,
22 my wife and I, that we want, and we go there. My
23 son - - My older son is eleven. He walks though
24 the - - walks to the gas station, not because
25 it's convenient, but because - - I mean, it's

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1 convenient, but we feel safe to let him walk
2 there.

3 MR. GIMBEL: So you view Mr. Amir and
4 the people who work for him as good neighbors?

5 THE WITNESS: Yes.

6 MR. GIMBEL: And he reaches out to the
7 neighborhood to harmonize the operation with the
8 best interest of the neighborhood?

9 THE WITNESS: All the time.

10 MR. GIMBEL: Thank you.

11 CHAIRMAN BOHL: Mr. Gimbel, I just - -
12 I don't know how many neighbors we have left to
13 testify - -

14 MR. GIMBEL: We're towards the end.

15 CHAIRMAN BOHL: But I just - - I just
16 want to say this. This committee will accept
17 that Mr. Amir is a nice guy. This committee will
18 accept already that he has good fresh coffee. I
19 want to keep the testimony relevant to the hours
20 and potential concerns in or around whether there
21 are concerns during those hours.

22 MR. GIMBEL: Okay.

23 CHAIRMAN BOHL: I - - I understand, but
24 we're getting into a lot of redundant testimony
25 about how nice of a guy that Mr. Amir is, and

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1 just like sometimes we get to restaurants that
2 are associated with taverns, people will say they
3 have the best cheeseburgers or steaks in town.
4 We're going to go on the premise that he - - so
5 we can leave the testimony to other - - other
6 things related to the application.

7 MR. GIMBEL: I understand.

8 CHAIRMAN BOHL: Are there other
9 questions at this point of Mr. Lofton?

10 ALDERMAN GORDON: Mr. Chairman.

11 CHAIRMAN BOHL: Alderman Gordon.

12 MR. GIMBEL: Mr. Lofton, approximately
13 how far do you live from the station?

14 THE WITNESS: About a block and a half.

15 ALDERMAN GORDON: And you frequent the
16 station at all hours of the day and night?

17 THE WITNESS: Yes.

18 ALDERMAN GORDON: And have you ever
19 gotten caught in traffic?

20 THE WITNESS: Early in the morning,
21 like, I mean, before I go to school, because
22 everybody goes there. That's about the extent of
23 it.

24 ALDERMAN GORDON: Have you ever
25 observed boisterous behavior, dancing,

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1 transactions of a dubious nature?

2 THE WITNESS: No transactions. And you
3 hear loud music, but you hear loud music. I
4 mean, they're never sitting there, This is
5 during the daytime, summertime, whenever, people
6 listening to their radios.

7 ALDERMAN GORDON: Have you ever
8 experienced gridlock at three or four o'clock in
9 the morning?

10 THE WITNESS: No, sir. In the two
11 years, never.

12 ALDERMAN GORDON: Thank you.

13 CHAIRMAN BOHL: Other questions by
14 committee? Thank you, Mr. Lofton.

15 MR. GIMBEL: Linda Gray?

16 THE WITNESS: Hi. My name is Linda
17 Gray. I live at 7335 West Thurston Avenue.
18 Right off 74th Street. I'm a block from the gas
19 station. Yes, it's very convenient to have that
20 gas station there, because I have a seven year
21 old granddaughter that goes there. You know, she
22 don't have to cross the traffic, you know, for
23 across the street, off of 76th Street. See, if
24 you all move that gas station, then you all would
25 have to make me go all the way to 74th Street to

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1 76th and Mill Road.

2 MR. GIMBEL: We are not talking about
3 moving it. Did you have an opportunity to
4 observe this station being open between midnight
5 and five a.m. in the morning on any given day?

6 THE WITNESS: Yes, I have.

7 MR. GIMBEL: Have you had an
8 opportunity to observe whether or not this
9 station opened between midnight and five a.m. in
10 the morning has contributed to or caused problems
11 of traffic and littering and - -

12 THE WITNESS: No.

13 MR. GIMBEL: And you're here today to
14 urge the committee to recommend to the Common
15 Council that Mr. Amir's request for 24 hour
16 permission be granted. Is that correct?

17 THE WITNESS: Yes.

18 MR. GIMBEL: How long have you been
19 there, Ms. Gray?

20 THE WITNESS: I've been living in
21 Milwaukee for three years.

22 MR. GIMBEL: And in this neighborhood?

23 THE WITNESS: Well, I have a brother-
24 in-law that lives down the street at 5745. I
25 think it's - -

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1 MR. GIMBEL: And 73rd on Thurston. How
2 long have you been there?
3 THE WITNESS: I've been there - - Next
4 month it will be a year.
5 CHAIRMAN BOHL: Any questions by
6 committee of Mrs. Gray? Thank you.
7 MR. GIMBEL: Michael Myles.
8 THE WITNESS: Yes, sir.
9 MR. GIMBEL: Do you want to state your
10 name, sir?
11 THE WITNESS: My name's Michael Myles,
12 last name M-Y-L-E-S.
13 MR. GIMBEL: Now, are you employed at
14 the - -
15 CHAIRMAN BOHL: Mr. Gimbel. Mr. Myles,
16 your - - your address?
17 THE WITNESS: 6490 North 106th.
18 MR. GIMBEL: He's not a neighbor.
19 CHAIRMAN BOHL: That's fine.
20 MR. GIMBEL: Are you employed at this
21 filling station that's owned by Mr. Amir?
22 THE WITNESS: Yes, I am.
23 MR. GIMBEL: What are your duties
24 there?
25 THE WITNESS: Cleaning inside, outside

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1 the yard, back and front.

2 MR. GIMBEL: How long have you been so
3 employed?

4 THE WITNESS: Going on five months now.

5 MR. GIMBEL: And how often do you go
6 there to perform your cleaning services?

7 THE WITNESS: Every morning and
8 evening.

9 MR. GIMBEL: And what can you tell the
10 committee about the concerns of Mr. Amir to keep
11 the inside and outside of this premises free of
12 litter and debris?

13 THE WITNESS: Well, I start my - - My
14 hours start anywhere from seven to ten, and I'm
15 constantly working from there, cleaning inside
16 and out.

17 MR. GIMBEL: And then you come back
18 again later?

19 THE WITNESS: Yeah, I come in the
20 evening hours from four to six.

21 MR. GIMBEL: And you have done this now
22 consistently for five months?

23 THE WITNESS: Yes, sir.

24 MR. GIMBEL: On a regular daily basis?

25 THE WITNESS: Regular daily basis.

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1 MR. GIMBEL: That's all I have.

2 CHAIRMAN BOHL: Questions of - - of Mr.

3 Myles? Thank you, sir.

4 MR. GIMBEL: Is there anybody I haven't
5 called?

6 THE WITNESS: Me.

7 MR. GIMBEL: Would you please step
8 forward, please? State your name and your
9 address.

10 THE WITNESS: It's - - Is my mike on?

11 CHAIRMAN BOHL: Yes. Do you want to
12 sit down, please?

13 THE WITNESS: It's Christof Martin, and
14 I live at 878 North Selena Street. I'm not in
15 the neighborhood, but on my way home.

16 MR. GIMBEL: Okay. And are you
17 familiar with the filling station of Mr. Amir's
18 on 76th and Silver Spring?

19 THE WITNESS: Yes.

20 MR. GIMBEL: And are you a patron of
21 that station?

22 THE WITNESS: Yes.

23 MR. GIMBEL: How often do you go there?

24 THE WITNESS: Three or four times a
25 day.

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1 MR. GIMBEL: Three or four times a day?

2 THE WITNESS: Yes.

3 MR. GIMBEL: And are you ever there
4 during the period of time from midnight to five
5 a.m. in the morning?

6 THE WITNESS: Yes.

7 MR. GIMBEL: And how long have you been
8 a patron going there on multiple times a day?

9 THE WITNESS: Past six years.

10 MR. GIMBEL: In your capacity as a
11 patron who frequently on a daily basis visits
12 this place, including early in the morning hours,
13 have you had occasion to observe whether or not
14 this filling station is the source of excess
15 traffic, loitering, littering or disorderly
16 behavior?

17 THE WITNESS: No, there was one time,
18 and that was summer, 2001, and it was crazy, all
19 down 76th Street. And there - - There was a car
20 show, and the car show let out, and the people
21 just flocked to different gas stations, but all
22 the gas stations, you know, turned their lights
23 off and shut the pumps down. And what it is is
24 there's a club that's for underage people, 76th
25 and Bradley. So starting from that gas station

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1 all the way down, you know, they would, you know,
2 frequent the - - the gas stations there. And
3 when they were closed down, then they just go to
4 76th and Mill Road where the 24 hour Walgreen's
5 is. So it's really not going to matter even if
6 the station was closed down, you're still going
7 to have people there. You're more apt to have
8 people there with the station closed down,
9 because there's no one to call the police or tell
10 on them. And from my personal experience the
11 regular customers, whenever we see someone
12 standing outside and looking suspicious, you
13 know, we'll tell Mohammed. Or even if I'm
14 driving by, you know, I'll call his cell phone
15 and tell him. And I would stop there in the wee
16 hours of the morning coming back from the inner
17 city, because I don't want to get gas there,
18 because I might get jacked, so I - - I drive
19 there. And then I'm able to get back on the
20 highway.

21 MR. GIMBEL: And it's your testimony
22 before this committee today, is it, Mr. Martin,
23 that were this filling station to be closed by
24 order of the Common Council between midnight and
25 five a.m. it would have no effect on the traffic

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1 and/or other behavior that might be viewed as
2 negative to the neighborhood.

3 THE WITNESS: No. Like I said, it
4 would - - it would be worse, and then I also want
5 to add that that liquor store across the street
6 closes at nine o'clock. So people congregate
7 there, too, you know, after - - after it closes.
8 So it's not going to make a difference. And
9 then, I was wondering, you know, how people could
10 say that they seen drug deals going on, you know,
11 like all times of the day and at night. I mean,
12 if you live a thousand feet away from the place.
13 How you going to adequately tell that?

14 MR. GIMBEL: I have no further
15 questions of this witness.

16 CHAIRMAN BOHL: Other questions by
17 committee of Mr. Martin at this point? Thank
18 you.

19 MR. GIMBEL: I believe that's it.

20 CHAIRMAN BOHL: I'll allow you - - I'll
21 allow you at this point a brief closing statement
22 here - -

23 MR. GIMBEL: Thank you very much.

24 CHAIRMAN BOHL: - - and then we'll go
25 to Alderman Davis and put this matter into

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1 committee.

2 MR. GIMBEL: Mr. Chairman, members of
3 this committee, having attended many of these
4 hearings on license matters, this being the first
5 one, however, with respect to the new ordinance
6 which requires those people who seek to have
7 their business open for 24 hours a day, an
8 ordinance which I think would not pass the muster
9 of a legal challenge, because I believe it's an
10 "ex post facto" law. It takes away property from
11 people who got permission from the Board of
12 Zoning Appeals that business is open for 24
13 hours. That's not your issue.

14 What I think is your issue is you are
15 fact finders, and you are here today with respect
16 to this application with an allegation that the
17 location that's licensed as a 24 hour
18 establishment will be the source of excess
19 traffic, loitering, littering, disorderly
20 behavior and noise generated by such traffic. I
21 firmly believe that there is not a record here
22 today that would permit you to make a finding
23 that there are facts to demonstrate that this
24 operation is the source of excess traffic,
25 loitering, littering, disorderly behavior and

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1 noise generated by such traffic. It is in the
2 vicinity of that kind of behavior. But what
3 needs to happen in order for this application, it
4 seems to me, to be appropriately denied is for
5 you to find facts that support that this is the
6 source of an irritation.

7 You have heard a substantial amount of
8 testimony to the opposite effect of that, and I
9 suggest to you that the testimony of those people
10 who spoke in opposition to this application, when
11 measured against the testimony of the people who
12 spoke in favor of this application, pales to
13 support a negative action on this application,
14 and I urge you to do your duty, and your duty is
15 to be fair and impartial to this applicant, and
16 find that there is not a factual basis to blame
17 this business for those issues that might
18 otherwise exist in that neighborhood or other
19 neighborhoods in the City of Milwaukee, and I ask
20 you to put - - put this matter before the Common
21 Council with a recommendation for approval.
22 Thank you.

23 CHAIRMAN BOHL: Thank you, Mr. Gimbel.
24 Alderman Davis.

25 ALDERMAN DAVIS: Thank you, Mr.

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1 Chairman. The reason why I object this - -
2 object to this application is not because Mr.
3 Mohammed may not be a good person, because I've
4 talked to him numerous times before, and he's
5 readily admitted that some of his employees may
6 not have followed standard protocol as far as his
7 business was concerned to contact my office when
8 this became an issue. No, I'm not saying that.

9 Personally, I don't think he's a bad
10 guy. I think he's caught up in something that is
11 - - has caused irreparable harm to those who live
12 in this neighborhood. The quality of life in
13 this neighborhood is an issue to me, and I would
14 assume it is an issue to everyone who lives
15 there, particularly if constituents call my home
16 for someone who is shot through their window, has
17 additional drug dealers in the house next to
18 them, or and last and not least, problems with
19 someone who may be a - - other ethnicity who may
20 have racial disparity who are living next door to
21 them who want their elected official to respond
22 in a proper way.

23 What I present to you, Mr. Chairman and
24 this committee, is that these and this, what we
25 have before you, is a neighborhood issue. It is

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1 a neighborhood issue that is ingrained - - It is
2 ingrained upon what you have seen before
3 constituents of mine come before you and base it
4 upon one who is being nice, but also argument
5 that say that it is a substantial problem in this
6 particular neighborhood that is coming from this
7 location.

8 I don't profess to know everything, but
9 one thing I do know is this. I cannot let this
10 community in which I represent, whether folks
11 support me or not, I have an obligation to take a
12 position. Otherwise, I, you know, I'm soft or
13 I'm going to be hard. In this instance I'm going
14 to be hard. And I'll tell you the reason why I'm
15 going to be hard. Because I am not going to let
16 a young man or a young woman go to this gas
17 station and get caught up in something that they
18 shouldn't have been caught up in. In fact, let's
19 rewind, back on Sherman and Hampton, where a
20 young baby got killed in crossfire because of
21 gunplay. Everybody knew what was going on, but
22 everybody denies it. I am not going to let this
23 happen in the district in which I represent. And
24 what I'm asking this community to do and what I'm
25 asking this committee to do is take that into

00097

1 consideration, the public safety and the welfare
2 of the community, the kids in this community and
3 also the adults in the community.

4 This has nothing to do with the hours
5 of five a.m. to 12 o'clock a.m. It has something
6 to do with 12 a.m. to five a.m. in the morning.
7 We have loitering going on in the city. We have
8 young kids that out there, 12 years old, up and
9 down the streets when they should be at home. So
10 when I hear that people are talking about my kids
11 going to this store, God bless you. But they
12 shouldn't be going to the store at 12 o'clock in
13 the morning. They should be at home being taught
14 what is right and what is wrong. Now, I want to
15 support anyone who wants this gas station for the
16 right reason, but I'm not going to support it for
17 the wrong reason. For the right reason, I ask,
18 Mr. Chairman and this committee, to deny this
19 application based upon the public safety that is
20 this cause in the community in which I represent.
21 Thank you.

22 CHAIRMAN BOHL: Thank you. Alderman
23 Gordon.

24 ALDERMAN GORDON: Just one question.

25 CHAIRMAN BOHL: Go ahead, Alderman

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1 Gordon.

2 ALDERMAN GORDON: To the applicant or
3 to Mr. Gimbel. How long has this establishment
4 had 24 hour license service?

5 MR. GIMBEL: He's had it for eight
6 years and it's been day one. And his predecessor
7 had a 24 hour establishment for multi years
8 before that.

9 ALDERMAN GORDON: Thank you.

10 CHAIRMAN BOHL: This matter is now in
11 committee. Is there a motion?

12 ALDERMAN WITKOWSKI: Mr. Chairman.

13 CHAIRMAN BOHL: Alderman Witkowski.

14 ALDERMAN WITKOWSKI: I move to deny
15 based on things I've heard here on excess
16 traffic, loitering, littering, disorderly
17 conduct, noise, and the adverse impact on the
18 health and safety and welfare of the
19 neighborhood.

20 ALDERMAN GORDON: Mr. Chairman.

21 CHAIRMAN BOHL: One second, Alderman
22 Gordon. Let me just - - Motion by Alderman
23 Witkowski is to deny based on traffic, loitering,
24 littering, noise, and adverse impact on the
25 health, safety and - -

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1 ALDERMAN WITKOWSKI: And disorderly
2 behavior.

3 CHAIRMAN BOHL: Disorderly behavior and
4 adverse impact on the health, safety and welfare
5 of the neighborhood. On the motion, Alderman
6 Gordon.

7 ALDERMAN GORDON: Thank you, Mr.
8 Chairman. This obviously is a very difficult
9 case in the sense that we've heard testimony pro
10 and con regarding the conditions that seem to
11 emanate around this particular establishment.
12 And the residents that testified in support
13 obviously outnumber the residents that testified
14 against. And that's why there's a problem, at
15 least in my standpoint, because it appears that
16 the people who have frequented this particular
17 establishment at all hours of the night have not
18 experienced what has been testified to by the two
19 opponents to the license. And even though I know
20 that the support against this particular license
21 is on this committee at this point in time, based
22 on the evidence that's been proffered and the
23 testimony by residents who live anywhere from one
24 block to three blocks within the confines of this
25 neighborhood, and who apparently have frequented

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1 this establishment at all hours of the day and
2 night, I can't support the motion. I think that
3 from a standpoint if you're going to impose
4 restrictions of operation of businesses on any
5 particular commercial note in the city, you've
6 got to have a uniform policy, and it's not been
7 demonstrated to me that this particular
8 establishment is the nexus of the activity that
9 takes place on 76th Street. It appears that from
10 the residents who testified here today that this
11 particular establishment does not meet that
12 threshold, and because of that I'm going to
13 object to the motion.

14 CHAIRMAN BOHL: The motion again by
15 Alderman Witkowski is for denial based on the
16 before mentioned objections. Madame Cleark, you
17 can - - Okay. Roll - - call roll. Roll call
18 vote.

19 MS. ELMER: Alderman Gordon?

20 ALDERMAN GORDON: No.

21 MS. ELMER: Alderman Witkowski?

22 ALDERMAN WITKOWSKI: Aye.

23 MS. ELMER: Mr. Chair?

24 CHAIRMAN BOHL: Aye.

25 MS. ELMER: ..

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CHAIRMAN BOHL: Motion carries. Two to
one. Thank you. Mr. Gimbel.

MR. GIMBEL: Can we have this available
for Common Council review? I want a transcript.

CHAIRMAN BOHL: Thank you, Mr. Gimbel.

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3 STATE OF WISCONSIN)

4 MILWAUKEE COUNTY)

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DONNA GULCZYNSKI - COURT REPORTER

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Dated this day of April, 2004

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