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CITY OF MILWAUKEE

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UTILITIES & LICENSES COMMITTEE

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In the Matter of:

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FRAKES, William M., Agent for "Siddique Inc.", 24-Hour Establishment application for "Citgo Express Pantry" at

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5656 North 76th Street.

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COMMITTEE MEMBERS

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ALD. JAMES BOHL - Chairman

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Ald. Joe Davis Sr. - Vice Chairman

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Ald. Fredrick G. Gordon

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Ald. Joseph A. Dudzik

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Ald. Terry L. Witkowski

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DEPARTMENT OF NEIGHBORHOOD SERVICES by BRIAN KAUFMANN

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LICENSING DIVISION by JAMES COPELAND

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POLICE DEPARTMENT by SERGEANT JOHN HOGAN

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OFFICE OF THE CITY ATTORNEY by BRUCE SCHRIMPF

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

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P R O C E E D I N G S

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

CHAIRMAN BOHL: William Frakes, agent for Siddique Inc., 24-hour Establishment application for Citgo Express Pantry at 5656 North 76th Street. William Frakes?

ALDERMAN DAVIS: Mr. Chair, we were unable to get the operating hours for this particular location, and I'm at my wits end because this particular location has given me extreme problems over the years as it is spelled out in the map that has to do with cruising, and I will look for direction from our city attorney as to how to deal with this particular applicant.

MR. SCHRIMPF: We haven't been able to figure out --

CHAIRMAN BOHL: Let me just, say Alderman Davis, that I concur with you on this one. This particular location is in the 2nd Aldermanic District. It is across the street from the 5th, and this has been one of the few locations in my district where I have received phone calls over the course of the last couple years. More recently it has been a location where, as one resident described to me, she saw one

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1 car -- in order to cover a two-block span, -- took
2 over an hour, and autos were driving down the median
3 of 76th Street to actually move somewhere, so --
4 Mr. Schrimpf?

5 MR. SCHRIMPF: Well, if we don't know if
6 this is -- You have not been able to determine if this
7 has a 24-hour permission from BOZA?

8 ALDERMAN DAVIS: Currently, as it stands,
9 the Board of Zoning Appeals for whatever reason has
10 granted this particular establishment its occupancy.

11 MR. SCHRIMPF: All right.

12 ALDERMAN DAVIS: But it doesn't keep track
13 of the operating hours. And we've contacted them for
14 that information, and we were not able to get any
15 clarification, and as it stands now, -- The way that
16 we have received these times is that we actually
17 called the establishment themselves, and they gave us
18 the indication of what was granted as far as their
19 hours was concerned.

20 CHAIRMAN BOHL: Mr. Schrimpf, I'm just going
21 to tell you, -- I could be going out on a limb here.
22 My guess here is that this location may be one where
23 it is grandfathered in even from the zoning code.

24 MR. SCHRIMPF: Oh.

25 CHAIRMAN BOHL: There are a number of gas

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1 station establishments in the City of Milwaukee that
2 were grandfathered even from having to appear before
3 the Board of Zoning Appeals on an hourly basis, so
4 this may be -- this may be a location to that effect,
5 so --

6 MR. SCHRIMPF: Mr. Chairman, prudence might
7 dictate that we hold this, but if it's the decision of
8 the committee to not hold it, then I think we ought to
9 get into the record the efforts to contact the
10 licensed applicant from Mr. Copeland. In other words,
11 when the notice was mailed out, et cetera.

12 CHAIRMAN BOHL: Alderman Davis, it's going
13 to depend on your motion here. If you want to move to
14 deny, then we're going to have to do otherwise, but
15 we'll throw the ball in your court here.

16 ALDERMAN DAVIS: I'll move to deny.

17 MR. SCHRIMPF: All right. Then I would
18 simply ask if notice was sent to William M. Frakes for
19 Siddique Inc., 24-Hour Establishment, for Citgo
20 Express Pantry at 5656 North 76th Street on March
21 15th, 2004, by United States First Class prepaid mail
22 in an envelope bearing the return address of the
23 License Division.

24 MR. COPELAND: Excuse me, Mr. Schrimpf.
25 It's March 16th.

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1 MR. SCHRIMPF: My notice says March 15th.

2 MR. COPELAND: Oh, I'm sorry. I have the

3 wrong one. You're right.

4 MR. SCHRIMPF: Your answer to the question

5 is yes, Mr. Copeland?

6 MR. COPELAND: Yes.

7 MR. SCHRIMPF: And was Siddique Inc., 10213

8 West Mill Road, Milwaukee, Wisconsin, 53225, the

9 address to which it was sent?

10 MR. COPELAND: It was.

11 MR. SCHRIMPF: And was that the address that

12 was listed by the applicant on the application?

13 CHAIRMAN BOHL: Would you please rephrase

14 that here, Mr. Schrimpf?

15 MR. SCHRIMPF: Mr. Chairman, I think we have

16 a problem here because the application indicates 5656

17 North 76th Street, and the notice indicates 10213 West

18 Mill Road.

19 MR. COPELAND: If you look in Section C,

20 it asks the full name of the corporate liability

21 association and has Mr. Frakes' name down there,

22 William, and he put down the address of 10213 West

23 Mill Road, Milwaukee, Wisconsin. That's Section C

24 on the application that you have in front of you.

25 MR. SCHRIMPF: Is that like the second page?

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1 MR. COPELAND: No, first page of the
2 application.
3 MR. SCHRIMPF: Section C?
4 CHAIRMAN BOHL: Even on the notice -- Look
5 on the very top, front center.
6 MR. COPELAND: I'm looking at the
7 application here.
8 MR. SCHRIMPF: Oh, I don't have that.
9 You gave me the plan of operation, you didn't give me
10 the application.
11 MR. COPELAND: Oh, sorry about that.
12 MR. SCHRIMPF: Okay. Anyway, notice -- I'll
13 need a copy of the actual application. Notice was
14 sent to William Frakes at 10213 West Mill Road in
15 Milwaukee, 53225, and that was the notice as indicated
16 on the application; is that correct?
17 MR. COPELAND: It was.
18 MR. SCHRIMPF: All right. And was the
19 notice, along with the police report, -- And was the
20 police report included in with the notice?
21 MR. COPELAND: It was.
22 MR. SCHRIMPF: And was that returned to the
23 License Division by the United States Postal Service?
24 MR. COPELAND: It was not.
25 MR. SCHRIMPF: That's all I have,

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Mr. Chairman.

CHAIRMAN BOHL: The motion before us by Alderman Davis is to deny based on nonappearance. Are there any objections to that? Hearing none, so ordered.

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