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CITY OF MILWAUKEE

UTILITIES & LICENSES COMMITTEE

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In the Matter of:

SAJAN, Makbul, Agent for Hasham, Inc., 24-Hour Establishment application for "Silver Spring Amoco" at 9040 West Silver Spring Drive.

\* \* \* \* \*

COMMITTEE MEMBERS

ALD. JAMES WITKOWIAK - Chairman

Ald. James Bohl, Jr. - Vice Chairman

Ald. Joseph A. Dudzik

Ald. Robert Puente

Ald. Willie Wade

COPY

DEPARTMENT OF NEIGHBORHOOD SERVICES by BRIAN KAUFMAN

HEALTH DEPARTMENT by OSCAR L. BOND

LICENSE DIVISION by REBECCA BARRON

POLICE DEPARTMENT by SERGEANT JOHN HOGAN

OFFICE OF THE CITY ATTORNEY by BRUCE SCHRIMPF

Proceedings had and testimony given in the above-entitled matter, before the UTILITIES & LICENSES COMMITTEE OF THE CITY OF MILWAUKEE, on the 28th day of September, 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 WITKOWIAK: Also in the 2nd District, Makbul Sajan, agent for Hasham, Incorporated, 24-hour Establishment application for "Silver Spring Amoco" at 9040 West Silver Spring Drive. Makbul Sajan, agent for Hasham, Incorporated. Let the record show no response to that call. Alderman Davis, any comments?

ALDERMAN DAVIS: Yeah. I would hope that the committee would move denial based on nonappearance.

CHAIRMAN WITKOWIAK: In that case, this matter's in committee.

ALDERMAN PUENTE: Mr. Chair?

CHAIRMAN WITKOWIAK: Alderman Puente.

ALDERMAN PUENTE: Did you send out a notice?

ALDERMAN DAVIS: Yes, we had.

ALDERMAN PUENTE: And is there anybody here?

ALDERMAN DAVIS: Yeah. There are some people from the public who are here.

CHAIRMAN WITKOWIAK: Do you want to entertain some testimony?

ALDERMAN PUENTE: Yes, sir.

1 CHAIRMAN WITKOWIAK: Who's here to testify  
2 in this matter? Would you raise your hands? Okay.  
3 Could you come forward here, please, and have a chair.

4 Is there anyone else here who wishes to  
5 testify in this matter? Will the three of you please  
6 raise your right hand.

7 (Whereupon all witnesses were sworn under  
8 oath.)

9 CHAIRMAN WITKOWIAK: Now one at a time.  
10 Name and address for the record, please.

11 MR. THOMAS: John Thomas, 5649 North 86th  
12 Street, Milwaukee.

13 CHAIRMAN WITKOWIAK: Mr. Thomas, how close  
14 do you live to this establishment?

15 MR. THOMAS: Approximately three blocks  
16 away.

17 CHAIRMAN WITKOWIAK: And your testimony?

18 MR. THOMAS: I just wanted to comment on the  
19 condition of the building and the crowds that they get  
20 on occasion. I had an opportunity to drive by there  
21 again this morning. The property is just littered  
22 everywhere on the property.

23 There have been numerous times when I've  
24 gone in there, the place is completely out of control  
25 with kids in there. They have shut-down pumps half

1 the time.

2 They do sell some drug paraphernalia in  
3 there. Not pipes or anything like that, but they do  
4 sell smoking papers, and they do sell a product that  
5 is blatantly listed as a blunt, and I'm sure every-  
6 body's aware a blunt is nothing more than a cigar that  
7 they take the tobacco out of and put drugs in. It's  
8 marketed as a Snoop Dog Blunt.

9 And I do not frequent the gas station any-  
10 more just because of its condition. I have been in  
11 there on an occasion when I have seen what appear to  
12 be underage children buying cigars. And like I said,  
13 the inside of the building is atrocious. The outside  
14 is not kept up. And I have seen occasions where there  
15 have been large crowds just hanging around the lot.

16 And I believe it was about a year ago there  
17 was an incident up on the parking lot where an elderly  
18 gentleman was held up at knife point, the gentleman  
19 and his wife. They were held up at knife point.

20 CHAIRMAN WITKOWIAK: Okay. Thank you for  
21 your testimony.

22 MR. SCHRIMPF: Mr. Chairman?

23 CHAIRMAN WITKOWIAK: Mr. Schrimpf.

24 MR. SCHRIMPF: Sir, have you had an  
25 opportunity to view the operation of this premises at

1 any time between midnight and 5 a.m.?

2 MR. THOMAS: On occasion I have.

3 MR. SCHRIMPF: Could you describe what you  
4 observed on those occasions?

5 MR. THOMAS: Well, supposedly, -- I was  
6 always under the impression that they were not open 24  
7 hours, but there have been people in there. The  
8 lights have been dimmed outside, they maybe have half  
9 the lights on. I have not been there for a long time,  
10 like I said. I don't feel the need that I have to get  
11 gas after midnight.

12 MR. SCHRIMPF: But have you observed the  
13 conditions that you've described to the committee  
14 between those hours?

15 MR. THOMAS: Yes, I have. Yes, I have.

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

18 CHAIRMAN WITKOWIAK: Thank you. Ma'am, your  
19 name and address for the record, please?

20 MS. SIMON: My name is Barbara Simon. My  
21 address is 8925 West Thurston Avenue.

22 CHAIRMAN WITKOWIAK: How close are you?

23 MS. SIMON: I live pretty much in the back.

24 CHAIRMAN WITKOWIAK: And your testimony is?

25 MS. SIMON: That place is very -- is not

1 kept up at all. I work second shift, so on my way  
2 home, it's always a congregating of young teenagers  
3 there.

4 My son and his friend is able to go into the  
5 gas station and buy cigarettes for 40 cents apiece or  
6 three for a dollar. It's a very uncomfortable -- you  
7 know, I do not feel comfortable there, and I'm pretty  
8 much, you know, not afraid of anything, but that place  
9 is getting worse. It's not kept up. The kids go  
10 there, they come down to the playground.

11 I'm constantly picking up bags and bags  
12 of litter. I approached him about that, putting  
13 out garbage cans or even doing something to beautify  
14 the place. It's like no response. I do not  
15 recommend -- We have enough problems there in our  
16 neighborhood without having a 24-hour service open  
17 for more teenagers to be hanging out.

18 CHAIRMAN WITKOWIAK: Thank you.

19 MR. SCHRIMPF: Mr. Chairman?

20 CHAIRMAN WITKOWIAK: Mr. Schrimpf.

21 MR. SCHRIMPF: Thank you. Ma'am, you said  
22 you work second shift?

23 MS. SIMON: That's correct.

24 MR. SCHRIMPF: And so on the route home,  
25 does that take you past this location after the hour

1 of midnight?

2 MS. SIMON: That's correct. I'm coming  
3 right past that way, turning on 91st coming through  
4 there.

5 MR. SCHRIMPF: And the conditions you've  
6 told to the committee, you've observed after midnight?

7 MS. SIMON: Absolutely. Sometimes I don't  
8 even get home until-- Sometimes I'll work later in the  
9 evening, so sometimes I might not get home until  
10 quarter after one. It has always attracted a young  
11 group of people. They're going in, going out, loud  
12 music. It's not a healthy thing. It's not a good  
13 place for the neighborhood.

14 MR. SCHRIMPF: And the individual cigarettes  
15 that you've described, do you know whether or not any  
16 of these people were under the age of 18?

17 MS. SIMON: No, my son is 19, and the other  
18 one is 19, also.

19 MR. SCHRIMPF: But they're able to get  
20 individual cigarettes?

21 MS. SIMON: Individual cigarettes because I,  
22 as a mother, questioned it, and, you know, I waited  
23 outside while they went in, came back, 40 cents.

24 MR. SCHRIMPF: Do you know whether or not  
25 they have been asked for identification when they

1 purchased individual cigarettes?

2 MS. SIMON: They have never been asked for  
3 identification.

4 MR. SCHRIMPF: Even though they're under the  
5 age of 27.

6 MS. SIMON: That's correct.

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

9 CHAIRMAN WITKOWIAK: Okay. Thank you.  
10 Ma'am, your name and address for the record?

11 MS. SORENSON: Sandra Sorenson, 8713 West  
12 Custer Avenue in Milwaukee.

13 CHAIRMAN WITKOWIAK: And how close do you  
14 live to that location?

15 MS. SORENSON: About a half mile. I've had  
16 a home since 1967, so I've done a lot of business  
17 through the years up on that intersection.

18 CHAIRMAN WITKOWIAK: Okay. And your  
19 testimony?

20 MS. SORENSON: Okay. I have a different  
21 kind of a problem up there, as far as a couple of  
22 complaints that I had that I talked with the staff  
23 about at the station, and they seem just to want to  
24 fluff this off and not pay any attention to me. And  
25 it literally was a very small amount, and I'm talking



1 pennies here.

2 But one of the times it was a pump running  
3 without any gas on, and it continued to flip, and I  
4 thought, geez, maybe I'm supposed to hang it up, so I  
5 hung it up, and it's still flipping. The pennies are  
6 still going, and I put my gas cap on, and it's still  
7 running. It finally shuts off. I go in and I say,  
8 "You got a problem with that pump there." "Nope."  
9 I said, yeah, you do, and I explained what was  
10 happening. He said, "You had to have gas running  
11 out." I said, no, I didn't. I didn't even have my  
12 hands on the pump.

13 This continued on, and we were the only  
14 people in there. I said, "Why don't you call someone  
15 in management or the owner and let them know that  
16 there is a problem with this pump." He said, "That's  
17 impossible." I said, "No, it's not impossible. I  
18 stood there, and it kept flipping." "No, that can't  
19 happen." I go, okay. I said, "If you won't call,  
20 please give me a number and I'll call." He said, no,  
21 there is no number. I said, "You have no emergency  
22 number, no number to call whatsoever?" "No." Okay.  
23 So I go, all right, fine. Go home and call your  
24 alderman.

25 So I called my alderman's office. I said,

1 "Give me the correct number to call when there's  
2 something wrong with pumps and people are being  
3 over-charged." Oh, and he did offer -- he asked me  
4 how much. I don't know, a dime, under a dime or  
5 whatever. He said, "I'll give you your dime." I  
6 said, "You're missing my point."

7 Okay. So I get home, and I call the  
8 alderman and asked for a number. They gave it to me.  
9 I called and talked to an agent, and I said, "Will you  
10 go check there, and will you call me back," which they  
11 did. It was not just that pump, but there was more  
12 than one pump that was overrunning. And that's one  
13 incident.

14 And another incident, -- which is humorous  
15 and sad at the same time, -- I went in and prepaid  
16 and came back in to get my change, and there was a  
17 confrontation going on with the man in front of me and  
18 the clerk, and I'm listening to this, and it seemed to  
19 be over pennies. And the man's digging in his pocket,  
20 and I thought, oh, I'll give him a dime or a nickel or  
21 whatever the problem is, and the clerk kept saying,  
22 "We don't accept pennies." So the man finally dug  
23 some other money out of his pocket and walked out.

24 And I said to the clerk, "You gave me two  
25 dollars, two quarters and two pennies back." And I

1 said, "I beg your pardon, but where did you get these  
2 two pennies from? If you don't take pennies in, how  
3 come you're giving pennies out." So now he knows he's  
4 got a problem. He said, "I'll give you a nickel." I  
5 go, well, I don't want the nickel, but I said, "How  
6 can you not take pennies?"

7 So another man was stocking the shelves  
8 in the cooler, and he goes, "What's the problem?"  
9 And I go, "I don't understand this policy. There's  
10 no signs up, there's no nothing that you're not taking  
11 pennies." He goes, "Well, you don't understand the  
12 area." I go, yeah, I do. I said, "I've lived here  
13 35 years and I understand the area, and I'm sure the  
14 owner of this filling station understood the area  
15 when he purchased it and knows exactly what the  
16 problems are."

17 He said, "Well, people come in here with  
18 hundreds of pennies to buy things." I said, "Fine.  
19 Put a sign up saying so many pennies, they need to be  
20 rolled, or if there's a lot of people in here, we're  
21 not going to stand here and count all these pennies."  
22 I'd say this man had, I don't know, seven pennies or  
23 whatever, and I said, "You can't refuse to give  
24 pennies."

25 So anyhow, I don't do business there

1           anyomore. And I just feel that these small little  
2           trivial things aren't taken care of and aren't taken  
3           seriously. If you're going to ignore rules and  
4           regulations on small things, you're going to do it  
5           on big things. I'm sorry. That's just my attitude  
6           toward it, and I don't want to see a full night  
7           station there.

8                       CHAIRMAN WITKOWIAK: Thank you.

9                       ALDERMAN BOHL: Mr. Chairman.

10                      CHAIRMAN WITKOWIAK: Alderman Bohl.

11                      ALDERMAN BOHL: Mr. Chairman, I can attest  
12           to that here as well, too. I represented this area  
13           here up until April and certainly know all three of  
14           the individuals here, and I'd advise everyone here  
15           that Mr. Thomas here goes by the name of Big John.

16                      MR. THOMAS: Among others.

17                      ALDERMAN PUENTE: Why is that?

18                      MR. THOMAS: I'm six-foot-six, and I weigh  
19           approximately 380 pounds. I've also gone by the name  
20           Tiny, so --

21                      ALDERMAN BOHL: Give my regards to Lois as  
22           well.

23                      MR. THOMAS: I will. My wife apologizes she  
24           couldn't be here today.

25                      ALDERMAN BOHL: Yeah, I appreciate that.

1 The area around here has a very active neighborhood  
2 association, Bryant Heights, and, you know, it's an  
3 integrated neighborhood. The residents there work  
4 well together, and it's a big asset in those terms,  
5 and they're very concerned because there are some  
6 issues in that particular neighborhood.

7 I can't tell you how many times the director  
8 of Bryant Heights has contacted my office here in the  
9 last couple years, and his wife, Lois, among others,  
10 to complain about this property.

11 I sent letter after letter to the owner  
12 of the establishment, referred it to Neighborhood  
13 Services, made phone calls. Never heard back from  
14 them. I mean to hear the residents here provide  
15 testimony that this particular applicant just simply  
16 doesn't care is no overstatement.

17 This particular applicant frankly is not  
18 responsive even to the alderman, and that has been  
19 my practical experience here, and the problems that  
20 they speak of are problems that I've heard over and  
21 over, and functionally, requests for him to contact  
22 me to look for resolutions were just one letter after  
23 another that were not responded to, and then  
24 Neighborhood Services would have to go out.

25 They are absolutely correct. There are

1 bigger issues in that area as well as the small items,  
2 but there's no way that an applicant like this should  
3 receive a 24-hour application when, frankly, they are  
4 not responsible, and they are not responsive. And,  
5 frankly, if given the license, it's going to foster  
6 more problems in that area, so I will be happy to make  
7 a motion when we get to that point.

8 CHAIRMAN WITKOWIAK: Thank you, Alderman  
9 Bohl. Is this about the fourth time I heard that same  
10 cell phone ring? I understand somebody maybe made a  
11 mistake, but whoever's got that is going to be at this  
12 table in a little while, so you better turn your phone  
13 off. Thank you. Okay. Any other questions,  
14 comments, by committee? This matter's in committee.

15 ALDERMAN DAVIS: Mr. Chairman?

16 CHAIRMAN WITKOWIAK: Alderman Davis.

17 ALDERMAN DAVIS: If I may, first of all,  
18 let me say that I thank the constituents for coming  
19 out and testifying on behalf of this. It could have  
20 been a little bit shorter, cancel and get out of here,  
21 but I do appreciate Alderman Puente giving them an  
22 opportunity to testify before the committee.

23 I also would like to submit these letters  
24 as part of any additional application that would come  
25 forth from Alderman Bohl in this area, as far as

1 letters sent out and not responded to by this  
2 particular applicant.

3 One thing I can say that, you know, my  
4 colleague from the 7th, -- unfortunately we didn't get  
5 an opportunity to see what our district would look  
6 like in this area and then face the challenges, and  
7 when we reduced the size of the council from 17 to 15,  
8 we found ourselves with things that we weren't really  
9 privy of.

10 I've worked with Bryant Heights Neighborhood  
11 Association to try to address some of those problems,  
12 and the Northwest Triangle Association along 92nd and  
13 Silver Spring is starting to work and acquire property  
14 along there.

15 This particular gas station is owned by  
16 another Marathon which is directly across the street,  
17 which probably will be coming before this committee to  
18 apply for another 24-hour application.

19 I'm asking this committee to deny, and there  
20 are certain reasons why, and that is criminal activity  
21 in this area is up, and I think the community that has  
22 lived in that area is trying to make a concerted  
23 effort to try to turn this community around, and quite  
24 frankly, when you have a business that is not  
25 responsive, and I hear at community meetings that

1 their customer relations is not good, and there are  
2 certain things that are happening not only in the  
3 establishment but on the site itself, for any  
4 establishment that comes before this committee that  
5 is owned by this provider, I will let this committee  
6 know that I will be coming before it to object to any  
7 24-hour application, and I think that 12:00 would be  
8 appropriate for this location to operate, so I would  
9 hope my colleagues would support that.

10 CHAIRMAN WITKOWIAK: Thank you, Alderman  
11 Davis.

12 ALDERMAN WADE: Mr. Chair.

13 CHAIRMAN WITKOWIAK: Alderman Wade.

14 ALDERMAN WADE: I'd just like to say that I  
15 think the whole ordinance change was for these type of  
16 situations, and that was the reason why we put forth  
17 the effort to change the ordinance so we could have  
18 some type of control over situations like this, and  
19 that we could cater to the needs of our constituents  
20 and their concerns in the neighborhoods that they live  
21 in, opposed to people who are just there doing  
22 business. So I'm ready for Alderman Bohl's motion.

23 MR. SCHRIMPF: Mr. Chairman, could I just  
24 lay a quick foundation here?

25 CHAIRMAN WITKOWIAK: Go ahead,



1 Mr. Schrimpf.

2 MR. SCHRIMPF: Alderman Davis, with  
3 respect to the two letters that you've submitted dated  
4 November 20th, 2003, one to Edward H. Wolf & Sons,  
5 Inc. and one to Makbul Sajan, laundromat owner, these  
6 are documents that you received when you assumed the  
7 aldermanship of this particular district; is that  
8 correct?

9 ALDERMAN DAVIS: That's not correct,  
10 Mr. Schrimpf, and I need to paint a picture on how I  
11 received those letters.

12 MR. SCHRIMPF: Okay. Would you do so,  
13 please?

14 ALDERMAN DAVIS: Those letters were actually  
15 sent to a constituent. In turn, that constituent sent  
16 those letters to the newly elected alderman.

17 MR. SCHRIMPF: And that's how you found  
18 them.

19 ALDERMAN DAVIS: That's correct.

20 MR. SCHRIMPF: Okay. And these were,  
21 therefore, documents that you received in the ordinary  
22 conduct of business of your office as alderman?

23 ALDERMAN DAVIS: That is correct.

24 MR. SCHRIMPF: That's all I have,  
25 Mr. Chairman.

1 CHAIRMAN WITKOWIAK: Alderman Puente moves  
2 to make these two letters part of the record. They're  
3 both dated November 20th of 2003 from the Office of  
4 Alderman James Bohl, and hearing no objection to that,  
5 so ordered. Any further comments by members of this  
6 committee? This matter's in committee.

7 ALDERMAN BOHL: Mr. Chairman.

8 CHAIRMAN WITKOWIAK: Alderman Bohl.

9 ALDERMAN BOHL: I would be more than happy  
10 to move denial of the application at this time citing  
11 both nonappearance of the applicant, as well as the  
12 substantial neighborhood testimony to issues such as  
13 loitering, littering, drug activity and conduct which  
14 is detrimental to the health, safety and welfare of  
15 the neighborhood.

16 CHAIRMAN WITKOWIAK: Motion by Alderman Bohl  
17 is to recommend denial of this license based on non-  
18 appearance and items contained in the notice. Are  
19 there any objections to that motion? Hearing none, so  
20 ordered. Thank you very much for coming down here to  
21 testify.

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STATE OF WISCONSIN)
) SS:
MILWAUKEE COUNTY )

I, DONNA GULCZYNSKI, of Milwaukee Reporters Associated, Inc., 5120 West Bluemound Road, Milwaukee, Wisconsin, certify that the foregoing transcript, consisting of pages 2 through 18, inclusive, is a full and complete transcript of the proceedings taken in this cause.

Donna Gulczynski - Court Reporter

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2004
Milwaukee, Wisconsin