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CITY OF MILWAUKEE
UTILITIES & LICENSING HEARING

In the Matter of:
VK CITGO
1254 North 35th Street

COMMITTEE MEMBERS

ALD. JAMES WITKOWIAK - Chairman
ALD. JAMES BOHL, JR. - Vice Chairman
ALD. JOSEPH A. DUDZIK
ALD. ROBERT PUENTE
ALD. WILLIE WADE
CITY ATTORNEY'S OFFICE by BRUCE SCHRIMPF
LINDA ELMER - CITY CLERK
ALD. BAUMAN - 4th District

Proceedings had and testimony given in the
above-entitled matter before the UTILITIES &
LICENSING COMMITTEE OF THE CITY OF MILWAUKEE on the
10th day of May, 2005, before Terese M. Schiebenes of
Milwaukee Reporters Associated, Inc.

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PROCEEDINGS

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(All City personnel were duly affirmed.)

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CHAIRMAN WITKOWIAK: Gurdev Singh, Agent for
VK Citgo, LLC, 24-hour establishment application for
VK Citgo at 1254 North 35th Street. This is a change
of entity. Be sworn in, please.

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(Whereupon, speakers were duly affirmed.)

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CHAIRMAN WITKOWIAK: Your name is?

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MR. SINGH: My name is Gurdev Singh, address
is 1254 North 35th Street, Milwaukee, 53208.

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MS. SWITZER: Cheryl Switzer, 2933 West
McKinley Boulevard.

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CHAIRMAN WITKOWIAK: Why are you here?

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MS. SWITZER: To speak against the 24 hour.

15

MS. MAYHORN: Sheila Mayhorn, 1253 North
34th Street.

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17

CHAIRMAN WITKOWIAK: You're here because?

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MS. MAYHORN: I'm here to speak against the
24 hours.

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MR. BALKEMA: Alan Balkema, 3219 West
McKinley Boulevard, Milwaukee, 53208. I'm here to
speak against the 24 hour.

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CHAIRMAN WITKOWIAK: One more gentleman in
the audience. Are you here to speak on this matter?

24

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MR. KAMAL JIT SINGH: I am the owner. My

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1 name is Kamal Jit Singh, my address is 1630 Holton
2 Avenue. I am the owner of the property at 1254 North
3 35th Street since 1994.

4 CHAIRMAN WITKOWIAK: Let the record show
5 that Attorney Michael Bishop is here representing the
6 applicant.

7 MR. BISHOP: Yes. Thank you very much.

8 CHAIRMAN WITKOWIAK: Neighborhood Services?

9 MS. BENDER: Yes. There's a change of
10 entity in this case, so we need a hold for a new
11 occupancy permit.

12 CHAIRMAN WITKOWIAK: You understand that you
13 need a new occupancy permit because of change of
14 entity?

15 MR. BISHOP: Just briefly. I think there
16 are some legal issues I'd like to address for the
17 record. Number one, the statute, or ordinance rather,
18 regarding whether or not this should be treated as a
19 new application or a renewal limits it to a change of
20 ownership. As was explained last time, what Mr. Singh
21 did was change from a C-Corporation, where he was the
22 sole owner, to an LLC, where he is still the sole
23 owner, so there was no change in ownership in this
24 particular instance.

25 There was in the transcript that was

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1 apparently ordered from the last hearing an issue, and
2 Attorney Schrimpf had indicated perhaps this should be
3 treated as a renewal, but there wasn't any
4 clarification. Our position is that it should be
5 treated as a renewal because there's no change in
6 ownership. Also, as I understand it from last time,
7 there were no objections from Police, Health, or DNS.

8 The other issue is that at the last hearing,
9 as I understand it, the matter was taken as a
10 committee after Mr. Singh had waived notice concerning
11 an over-concentration argument. Now, the transcript
12 that was provided to Mr. Singh and subsequently to me
13 was missing Page 5, so I don't know the discussion
14 that was specifically had with Mr. Singh relative to
15 that. I do know that he did waive that without any
16 notice, and there was basically essentially testimony
17 from Alderman Bauman. There were no neighbors here,
18 and there were no other objections except for the
19 over-concentration issue, which, as I said, I didn't
20 have transcript Page No. 5, so I have an issue as to
21 whether or not the over-concentration should have been
22 brought before the committee as to Mr. Singh, but it
23 was.

24 And then it's my understanding from the
25 transcript that the matter was actually put into

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1 committee and the purpose for today's hearing, at
2 least from what I read from the transcript, was
3 whether or not there were any police calls for service
4 to this location, and so I had talked or attempted to
5 talk to Attorney Schrimpf and also to Alderman Bauman
6 in an effort to try to see if we could facilitate
7 that, but I needed to put those items on the record,
8 so whether or not there can be any neighborhood
9 testimony. Because last time there was no
10 neighborhood objection, even though that's what the
11 notice was for, and we do acknowledge that there was a
12 new notice sent for this hearing here on May 10, but
13 also in the transcript last time, the hearing should
14 have been held on April 19th. I came to check the
15 license application, because if it's a renewal, which
16 is our position, it should have been held before the
17 30th of April because of the due process rights, and
18 he's effectively lost for at least 10 days now and
19 then presumably 10 the ability to operate as a 24-hour
20 establishment.

21 So those are the legal issues I'm raising on
22 behalf of the corporate entity.

23 CHAIRMAN WITKOWIAK: Mr. Bishop, for this
24 particular hearing, the notice that you received, did
25 it read neighborhood objections to loitering,

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1 littering, loud music, noise, traffic, late night
2 disturbances, concentration of 24-hour establishments
3 in the area, and conduct which is detrimental to the
4 health, safety, and welfare of the neighborhood, did
5 the notice read that?

6 MR. BISHOP: Yes, yes, it did. It was a
7 change of the original notice from Tuesday, March 1st,
8 2005, which was the meeting that was originally
9 conducted. Yes, that was received.

10 CHAIRMAN WITKOWIAK: Mr. Schrimpf, what's
11 your opinion on the change of entity?

12 MR. SCHRIMPF: We did check this out in the
13 City Attorney's Office because after the meeting when
14 everybody was here the last time, I went upstairs and
15 sought further clarification of it, and although there
16 is no written opinion regarding it, it was the feeling
17 of the lawyers that deal with the corporate matters
18 that, in fact, this is a change of entity rendering
19 this a new application. So the view is that this is a
20 new application and falls, therefore, under those rules.

21 CHAIRMAN WITKOWIAK: And your objections are
22 noted.

23 MR. BISHOP: Thank you.

24 CHAIRMAN WITKOWIAK: Okay. DNS, Health
25 Department, you may be excused. Ma'am, your name and

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1 address for the record and your testimony.

2 ALDERMAN BAUMAN: Mr. Chair, could we start
3 with this gentleman first because he has to leave.

4 MR. BALKEMA: Alan Balkema, 3219 West
5 McKinley Boulevard.

6 CHAIRMAN WITKOWIAK: How close are you to
7 this location?

8 MR. BALKEMA: So I'm three blocks away. And
9 my issue in the neighborhood is litter and trash. I
10 have a dog. I walk my dog through the neighborhood
11 daily, several times a day, and every time I go, I
12 pick up more litter, and I can tell you it's a big
13 problem. There's a concentration of businesses along
14 35th Street that unfortunately generate trash, not
15 necessarily them, but their patrons. I'm east of the
16 facility, and the prevailing wind is out the west,
17 and so it blows down in addition to people just --
18 litter bugs just tossing things out as they walk and
19 drive by. So I can tell you it's a big problem
20 because, like I say, I pick up every day several times
21 a day, and there's always more trash.

22 CHAIRMAN WITKOWIAK: And you feel this
23 location contributes to that in one way or another?

24 MR. BALKEMA: Definitely.

25 CHAIRMAN WITKOWIAK: Questions by member of

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1 the committee?

2 ALDERMAN BOHL: Mr. Chairman.

3 CHAIRMAN WITKOWIAK: Alderman Bohl.

4 ALDERMAN BOHL: Mr. Balkema, I appreciate
5 your concern. It's my concern that people are pigs
6 across the city all the time 24 hours a day. The
7 question that I have is in they're applying for a 24-
8 hour license, I don't know that they are operating --
9 and please tell me if you believe otherwise -- their
10 operating between the hours of midnight to 5:00, other
11 than allowing five additional hours for somebody to
12 come in potentially and buy a HoHo and eat it quickly
13 and throw the bag there, how their not operating
14 during those five hours is going to contribute less to
15 the litter problem in their operating 19 other hours
16 during the day?

17 What's at issue here is not their operation
18 as an establishment that may generate litter but just
19 the specific late night hours.

20 MR. BALKEMA: That is exactly the issue,
21 that they will have five more hours to sell HoHos, and
22 people throw them out. I live just far enough away
23 that it seems like people have just enough time to
24 finish their HoHo and throw it into my yard, and so
25 that is my issue.

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1 ALDERMAN BOHL: One final question, and I
2 don't know if Mr. Singh has been operating 24 hours
3 here in the past because I don't know that that
4 question was adequately addressed when I raised it
5 last time.

6 MR. BISHOP: Yes. Actually, there's been a
7 24 hour at this location for at least 11 years,
8 probably longer, and Mr. Singh has been operating for
9 the last three years.

10 CHAIRMAN WITKOWIAK: Thank you. Mr.
11 Balkema, have you had any personal experiences with
12 late night activities or other problems that you've
13 witnessed at this establishment in particular?

14 MR. BALKEMA: No.

15 CHAIRMAN WITKOWIAK: Thank you.

16 ALDERMAN PUENTE: Mr. Chair.

17 CHAIRMAN WITKOWIAK: Alderman Puente.

18 ALDERMAN PUENTE: How is it that you know
19 the litter is coming from this establishment?

20 MR. BALKEMA: Well, I don't know
21 specifically that it's coming from that establishment.
22 What I do know is that I tend to walk my dog at noon,
23 noon-ish, and I'll pick up the litter, and then the
24 kids get off school, get off the bus at 2:30, 3:00,
25 3:30, whatever, and I will frequently pick up -- I

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1 could probably talk to Mr. Singh, and he probably
2 knows the preferences of some of the kids that buy,
3 some of the litter bugs. They'll be the pecan rolls,
4 and you know, it's specific litter. And I'll also say
5 that someone in my neighborhood smokes Newports and
6 goes through packs like crazy.

7 ALDERMAN PUENTE: Are there any identifying
8 markings, whether it's his name or his price tags on
9 it or anything like that, is there anyplace else in
10 the vicinity that these kids can get this stuff other
11 than this place?

12 MR. BALKEMA: Well, I don't know -- I don't
13 really look for price tags, I haven't really done
14 that.

15 ALDERMAN PUENTE: I've used that as an
16 example.

17 MR. BALKEMA: There are other places that do
18 sell us things, there are other convenience stores on
19 Vliet Street.

20 ALDERMAN PUENTE: Okay. Thank you.

21 CHAIRMAN WITKOWIAK: Can I have just your
22 name and then your testimony.

23 MS. MAYHORN: Sheila Mayhorn, I live
24 directly behind the Citgo, and there are several
25 things that I've experienced personally that I believe

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1 that the 24-hour request for approval should be denied
2 because of the following: I've been there for about
3 14 months, and what I didn't know was that it was a
4 24-hour establishment. I have extra shields on my
5 windows because of the lights from the cars late at
6 night. I can't say that I'm a night owl, but I do go
7 to church on Wednesday evenings and come home rather
8 late some nights, and the parking lot is full of cars,
9 and there are a lot of kids, I'd say like teenagers,
10 that seem to congregate there.

11 There is noise primarily from music that
12 awakens me. Like I can roll over and look at the
13 clock and see it's 2:00 a.m. I've had to call for a
14 couple of fights, one fight that began on McKinley and
15 ended up in the gas station parking lot. I have had
16 my car vandalized, which I can't say that I saw the
17 person vandalize the car, but when I went to bed, my
18 car was fine, the following morning my windshield had
19 been shot out. I've had to call about the trash
20 because the trash bins have been overflowing, and I've
21 had to call about the rodent control.

22 In addition to that, I've personally seen
23 adults and children cut through my property like
24 between the houses to get to the gas station. I've
25 seen them go to the gas station, I've seen them leave

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1 the gas station and cut through. These are just a few
2 of the things that I've experienced personally, and I
3 don't think that it makes sense for this to continue.

4 I've also noticed that since the time has
5 changed that children seem to kind of loiter there in
6 McKinley, and they gravitate towards that gas station.

7 CHAIRMAN WITKOWIAK: Thank you.

8 ALDERMAN BAUMAN: Can I ask a few questions?

9 CHAIRMAN WITKOWIAK: Go ahead.

10 ALDERMAN BAUMAN: The congregating of cars
11 in the parking lot, that occurs after midnight, it
12 continues past midnight?

13 MS. MAYHORN: I do hear the music past
14 midnight, yes.

15 ALDERMAN BAUMAN: How many evenings a week
16 do you hear the music?

17 MS. MAYHORN: As the weather has gotten
18 warmer, it's been pretty consistent almost every
19 night.

20 ALDERMAN BAUMAN: This music comes and goes
21 like people driving and then gas up and then leaving?

22 MS. MAYHORN: That's how it sounds. And
23 sometimes people stay there longer. I don't think it
24 takes very long to pump gas, but this would be longer
25 than what it would take me to pump gas.

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1 ALDERMAN BAUMAN: This music wakes you up?
2 MS. MAYHORN: It wakes me up, but for me to
3 call the police, they wouldn't respond to oh, it's
4 loud music at the gas station.
5 ALDERMAN BAUMAN: Actually, they will, so
6 you should call, but that's neither here nor there.
7 The fight was at what time of day or night?
8 MS. MAYHORN: It was night. I'd say it was
9 back in the fall. It was a man and a woman, and they
10 started on McKinley, and they ended up in the gas
11 station parking lot. And I did place a call, and I
12 think a squad maybe responded.
13 ALDERMAN BAUMAN: And the shields on the
14 windows or the extra shades, did you put these on your
15 back windows?
16 MS. MAYHORN: My back windows, yes.
17 ALDERMAN BAUMAN: Is the light coming off
18 the gas station overhead lights?
19 MS. MAYHORN: Yes, yes.
20 ALDERMAN BAUMAN: And they bother you
21 because they're on past midnight?
22 MS. MAYHORN: Yes.
23 MR. SCHRIMPF: Mr. Chairman.
24 CHAIRMAN WITKOWIAK: Mr. Schrimpf.
25 MR. SCHRIMPF: Thank you. What was the

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1 approximate time of this fight you were talking about?

2 MS. MAYHORN: I know it was late night. I
3 would say between 10:00 p.m. and 11:00 p.m.

4 CHAIRMAN WITKOWIAK: Mr. Bishop, do you have
5 any questions of this witness?

6 MR. BISHOP: No. Strike that. Yes, I do.
7 I didn't catch your address, ma'am.

8 MS. MAYHORN: 1253 North 34th Street,
9 directly behind the Citgo.

10 MR. BISHOP: And there's an alleyway that is
11 between the Citgo and the residences and the
12 residences that adjoin the alley, it's the back of the
13 residences, correct?

14 MS. MAYHORN: Correct.

15 MR. BISHOP: And also, in the back of your
16 residences, that is where the trash pick-up for every
17 residence all along the alleyway is?

18 MS. MAYHORN: Correct.

19 MR. BISHOP: In other words, your garbage
20 cans are also there for the entire neighborhood?

21 MS. MAYHORN: Yes.

22 MR. BISHOP: And you're indicating that you
23 are on the back end of the Citgo Gas Station, correct?

24 MS. MAYHORN: Directly behind the Citgo.

25 MR. BISHOP: Thank you. No further

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questions.

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ALDERMAN BAUMAN: One more question. Your
back window looks directly down at the parking lot?

4

MS. MAYHORN: Yes.

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ALDERMAN BAUMAN: So you have a bird's eye
view of whatever goes on in the parking lot?

7

MS. MAYHORN: Yes.

8

ALDERMAN DUDZIK: Did you say there's an
alley between you and the gas station property?

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MS. MAYHORN: Yes.

11

ALDERMAN DUDZIK: Is that alley lit?

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MS. MAYHORN: I would say yes. I can't tell
you where the light is, but yeah.

13

ALDERMAN DUDZIK: But you know that the
light is coming from --

16

MS. MAYHORN: The light shines directly --
I have like a balcony off my bedroom, and the light
shines like right through that.

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ALDERMAN DUDZIK: Their light, not the light
from the alley?

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MS. MAYHORN: No.

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ALDERMAN DUDZIK: I just want to be clear.

23

Thank you.

24

ALDERMAN WADE: Is there any fencing

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between --

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1 MS. MAYHORN: There is no fencing.

2 ALDERMAN WADE: What kind of barrier is it,
3 is it landscaping, is it concrete? Between the Citgo
4 and the alley, is there any kind of barrier?

5 MS. MAYHORN: There's like a little I want
6 to say like maybe two little wires and some poles.

7 ALDERMAN WADE: But it's not that high,
8 what, three feet high, four feet high, something you
9 could step over?

10 MS. MAYHORN: Oh, yeah.

11 ALDERMAN WADE: Thank you.

12 MR. SCHRIMPF: Mr. Chairman. I just want to
13 follow up one more time on this trash. You were asked
14 some questions about the fact that there are trash
15 receptacles from the apartment building and other
16 neighbors either in or adjacent to this alleyway; is
17 that correct?

18 MS. MAYHORN: I mean all the trash bins line
19 the alley there, but I had to call specifically about
20 the trash because I personally saw the rodents going
21 from trash receptacles in and out to the gas station,
22 I mean, there was stacks of trash.

23 MR. SCHRIMPF: Is the trash from the gas
24 station or from some other place?

25 MS. MAYHORN: These rodents were coming from

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1 the gas station itself. Directly behind the gas
2 station, they have like a fenced-in area, and I think
3 they keep crates and things there, but overflow
4 garbage accumulates there.
5 MR. SCHRIMPF: This was from the gas
6 station?
7 MS. MAYHORN: This is gas station.
8 MR. SCHRIMPF: This is a trash receptacle or
9 area on the gas station property?
10 MS. MAYHORN: Yes.
11 MR. SCHRIMPF: You saw rodents emanating
12 from there?
13 MS. MAYHORN: Going back and forth.
14 MR. SCHRIMPF: To where?
15 MS. MAYHORN: From the trash receptacles in
16 the alley. They weren't coming from mine, but I can
17 count the ones up the alley, I can see the rodents
18 going back and forth.
19 MR. SCHRIMPF: From where to where?
20 MS. MAYHORN: From the gas station going to
21 receptacles going across the alley there, like there
22 was a nest or something of that nature.
23 ALDERMAN BAUMAN: What, if anything, have
24 you observed regarding the trash dumpsters that the
25 gas station maintains?

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1 MS. MAYHORN: I haven't noticed -- From
2 time to time they fall off their schedule, and the
3 garbage kind of overflows. When they come and dump
4 the trash, the receptacle top doesn't close, most of
5 the time it stays open.

6 CHAIRMAN WITKOWIAK: Ma'am, your name and
7 testimony, please.

8 MS. SWITZER: Cheryl Switzer. I, too, want
9 to talk about the garbage. I live at 2933 West
10 McKinley Boulevard, but I own the property at 3410
11 West McKinley Boulevard, and that property actually
12 faces the garbage receptacles, and I don't know if
13 there is not a lid for the garbage or not or if it's
14 pulled backwards, but all the time it's pretty much
15 open, and I have personally witnessed the garbage come
16 out of the receptacle onto the street onto my property
17 as we were picking up litter, so it's an ongoing
18 problem. My property is vacant, so I'm there quite a
19 bit now, and it is a very big problem with the trash.

20 And in addition to that, we have a high
21 density of housing in our neighborhood. We had a high
22 density of children. Now we have a high density of
23 teens. These kids have been in our neighborhood for
24 quite some time, and a 24-hour establishment with
25 teenagers is going to be a problem, and we don't want

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1 to have that kind of problem. We don't want to have
2 the Capitol and Sherman situation with the cruising
3 and the kids, so we are totally against this remaining
4 a 24-hour establishment.

5 ALDERMAN BOHL: Mrs. Switzer, I understand
6 your concern with the teens. The only question that I
7 will ask you is, to your knowledge, has this place
8 been a problem for teens and have you had experience
9 with that? The reason I ask that, if it's been
10 operating for 11 years and you haven't had a problem
11 up until now --

12 MS. SWITZER: The kids are older now, and
13 the ones who used to just play in the front of their
14 home are now more mobile, and they do congregate at
15 the gas station.

16 ALDERMAN BOHL: So you have seen this?

17 MS. SWITZER: We've seen, yeah.

18 ALDERMAN BOHL: During the late night hours
19 specifically, as well, too?

20 MS. SWITZER: I am not there at 12:00, to be
21 honest with you, no, but we were there at 10:30 on
22 occasion, we were there until about 11:00, 11:30 -- I
23 know it wasn't 12:00 -- but they were there, and it
24 was a concern.

25 ALDERMAN BOHL: Thank you.

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1 CHAIRMAN WITKOWIAK: Any questions by
2 members of the committee? Mr. Bishop?
3 MR. BISHOP: No questions.
4 ALDERMAN WADE: Mr. Chair.
5 CHAIRMAN WITKOWIAK: Alderman Wade.
6 ALDERMAN WADE: I just want to make sure we
7 get to this part. They are talking about the
8 congregation of young people on the premises. Would
9 your client like to comment on that or validate it
10 or --
11 MR. BISHOP: We will certainly comment on
12 it. I didn't know what the procedure was.
13 ALDERMAN WADE: We'll skip that part.
14 CHAIRMAN WITKOWIAK: Why don't you go ahead
15 and proceed now. We went through the questioning with
16 all the witnesses. Alderman Bauman, do you have
17 anything to say?
18 ALDERMAN BAUMAN: Not right now. Thank you.
19 MR. BISHOP: Just briefly, and procedurally
20 I guess my concern right now is that last time you
21 were in committee to address police issues and that
22 hasn't been brought before the committee, so
23 procedurally I really -- the way I understand it is
24 you were in committee to decide this and to find out
25 if there was a need for further information. I

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1 believe, Alderman Puente, you --

2 ALDERMAN PUENTE: And I was going to bring
3 that up.

4 MR. BISHOP: Correct. And there is none of
5 that. So from a procedural standpoint, I guess from a
6 legal standpoint, my concern is that whether or not
7 the committee in putting it in the committee has
8 closed, but the committee has allowed the testimony of
9 the neighbors. What I can indicate is that this
10 establishment has been running as a 24-hour operation
11 for a long, long time, even beyond the 11 years that
12 it's been three and 11 with these two gentlemen here.

13 We're talking about 35th Street, which is a
14 considerably high-traffic area, especially in a
15 commercial district that has a McDonald's right next
16 door, which, by the way, lost its 24-hour license. So
17 one of the issues on the over-concentration argument,
18 that one's gone, in addition to the Tasty Food, that
19 24-hour license is gone, and Mr. Singh is basically
20 here with the same ownership, the same operation that
21 there were no objections to for the three years that
22 he's been running it, and now he's saying I'm an LLC,
23 and the reason that he formed the LLC was from a tax
24 standpoint.

25 He actually has two other gas stations that

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1 he runs and operates without objection at all, and he
2 runs and even Alderman Bauman indicated in the
3 transcript that this is a fine establishment, well
4 run, well structured, well lit, and the only issues he
5 had at the first meeting were the 24 hour,
6 concentration and the traffic, but there's always
7 going to be that traffic on 35th Street as a means of
8 getting through the city.

9 In terms of the loitering of young people,
10 Mr. Singh has installed and has a 12-camera security
11 unit that takes into account the alleyway, the front,
12 the back, throughout the whole store. He monitors it.
13 He's not aware of any loitering or cruising issues at
14 all with young people, and I think the issue was
15 addressed by saying that our young people in the
16 neighborhood on McKinley are getting older and will be
17 getting licenses, and they have a concern that that
18 may happen in the future, but it hasn't happened to
19 this particular point. And I hope I addressed that
20 sufficiently for you, Alderman.

21 ALDERMAN WADE: You did, but I'm not sure
22 that's accurate. Is that indeed what you're saying,
23 ma'am, that they don't -- both ladies at the table --
24 are you saying that they don't congregate at the gas
25 station presently, that your concern is that they may

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1 congregate during the future, or are you saying that
2 actually right now you have young people in
3 automobiles congregating at that location?

4 MS. SWITZER: The people that I was
5 referring to were not in automobiles. I made the
6 statement about the cruising by saying I wouldn't want
7 that to happen to us like it did on Sherman and
8 Capitol. These individuals are kids in our
9 neighborhood who are no longer young children, they're
10 now teens, and so they don't look to be old enough to
11 have a driver's license, but they're now milling the
12 neighborhood and hanging out. That's one of the
13 locations. That's what I meant.

14 CHAIRMAN WITKOWIAK: And your testimony was?

15 MS. MAYHORN: No, I did not mean that --
16 I've seen the parking lot full like on a Wednesday
17 evening after 10:00 p.m. full of cars and a lot of
18 traffic. But my other issue is that I've also seen
19 young, I'd say, teenagers congregating there in the
20 parking lot just standing around in a big group
21 because I've had to wait for them to clear out across
22 the alley, or if they're standing in the alley and
23 some in the parking lot of the gas station, I have to
24 wait for them to move so I can pull into the alley.

25 ALDERMAN WADE: I just wanted to be clear on

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1 what was being stated.

2 MR. BISHOP: I think you also have the issue
3 in that you have a McDonald's that is also there and
4 presumably is now open until midnight because they no
5 longer have their 24-hour license, so you also have
6 them congregating there, you also have the trash
7 issues there, and the issue really here is what
8 happens during the 12:00 to 5:00 hours, midnight to
9 5:00 a.m. My client is mindful of this and wants to
10 be a responsible member of the neighborhood and does
11 everything he can.

12 On his shifts he has people before every
13 shift, they're to police the entire area and clean up
14 the trash. They have the regular trash pick-ups, they
15 have the security cameras, and there haven't been any
16 issues with the police or anything regarding this.
17 This will certainly address any of the issues that
18 have been raised and will certainly discuss those with
19 both the alderman and with the neighbors to address
20 that. But he has the two bins, and actually there is
21 a fenced-in area directly behind the gas station where
22 there are trash cans to block off from the alley. You
23 also have that alley, which is a whole 'nother issue
24 for the distribution of vehicles and noise and the
25 like. That camera also goes into the alleyway to make

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1 sure and monitor that way as well. So I hope I
2 addressed that issue.

3 ALDERMAN BAUMAN: Mr. Chair, can I close up
4 briefly?

5 CHAIRMAN WITKOWIAK: Please, Alderman
6 Bauman.

7 ALDERMAN BAUMAN: Mr. Chair, Members of the
8 Committee, you've heard direct eyewitness testimony
9 from someone who lives within dozens of feet of this
10 establishment there has been late light noise, music
11 that awakens her at 2:00 and 3:00 in the morning on
12 regular occasions, you've heard direct eyewitness
13 testimony that she has observed large groups of young
14 people congregating in the parking lot, so large, in
15 fact, that she has to wait for them to clear out of
16 the way for her to get into her driveway to access her
17 property. You've heard direct personal testimony from
18 an eyewitness that the light emitting from this
19 establish between midnight and 5:00 a.m. causes her to
20 erect special shielding so that this light does not
21 enter her home and interfere with her quiet enjoyment
22 of her property. You have heard direct testimony of
23 littering, which I will grant is a more nebulous issue
24 in terms of causation in terms of when the littering
25 occurred. Obviously, if they're littering for 19

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1 hours, there will be more littering during the 24-
2 hour period.

3 I did not say this is a well run
4 establishment, I said it looks okay, it is physically
5 in decent condition. I don't think it's well run at
6 all. The eyewitness testimony you've just heard
7 indicates it's not well run. If there's a 12-camera
8 system in place, why are there people loitering on
9 these establishments, why are the police not being
10 called? Why are they not being called, because the
11 operator's climbed into his little cocoon, his turret,
12 if you will, on his gas station tank, and he doesn't
13 care what goes on around him because he's locked into
14 his bulletproof cage, and as long as the money comes
15 in the slot, he doesn't care what happens, the
16 neighbors put up with it.

17 The neighbors are sick and tired of this,
18 I'm sick and tired of this, and I'm asking for this
19 license to be non-renewed. Thank you.

20 MS. SWITZER: There was one thing I forgot
21 to mention, if I could.

22 CHAIRMAN WITKOWIAK: Make it brief.

23 MS. SWITZER: There was a car that was
24 abandoned in the parking lot of the gas station, and I
25 called about it because I saw that one of the windows

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1 had been broken out. Well, the city won't go and tow
2 on private property. By the time that the car was
3 towed, the car was completely destroyed, all the
4 windows had been torn out, and all of the tires on
5 flat. So if there were security cameras and they were
6 so concerned about their property, that was not my
7 experience.

8 CHAIRMAN WITKOWIAK: How long was the car
9 there?

10 MS. SWITZER: It was there for at least a
11 week, because there was time for the kids in the
12 neighborhood to knock out all the windows and flatten
13 all the tires.

14 CHAIRMAN WITKOWIAK: Mr. Bishop, anything in
15 closing?

16 MR. BISHOP: No. Just that, as indicated, for
17 three years this establishment has been running, and
18 there have been no objection, and he has done
19 everything he can in terms of dealing with the issues
20 that have been raised here, and the 12:00 to 5:00
21 hours are vital to his business.

22 Also, the lights that are complained of,
23 this is an entire district of lights, there are lights
24 in the alley you heard the testimony of, and my client
25 obviously would be more than happy, if, in fact, the

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1 lights do affect her, to pay for the shading material
2 of the neighbor who has the issue. I would ask you to
3 grant the 24-hour license. Thank you.

4 ALDERMAN PUENTE: Mr. Chairman.

5 CHAIRMAN WITKOWIAK: Before we go into
6 committee, Alderman Puente.

7 ALDERMAN PUENTE: Alderman Bauman, last time
8 this was heard, I did ask because there was
9 discrepancy, he was saying he was running an orderly
10 place, you said he wasn't, I had suggested getting the
11 CAD from the police department. Did you do that, and
12 if so, what are the results of calls for services at
13 this location?

14 ALDERMAN BAUMAN: We do have the CAD
15 reports. There was an armed robbery there three days
16 ago.

17 ALDERMAN WADE: What time, if I may ask?

18 ALDERMAN BAUMAN: Afternoon. I would have
19 brought it up.

20 MR. BISHOP: There was no armed robbery at
21 the Citgo in the last three days.

22 ALDERMAN BAUMAN: The CAD reports say what
23 they say.

24 MR. BISHOP: There's a pay phone outside on
25 the corner on 35th Street, and I'm sure both of the

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1 police officers who are here will testify that if I
2 make a call from the pay phone that the address that
3 it emanates from would be the Citgo Gas Station.
4 There was no armed robbery.

5 ALDERMAN BAUMAN: The question was did we
6 get CAD reports. We got CAD reports.

7 MR. BISHOP: Correct, and you did not
8 provide them to Mr. Singh in advance so that he could
9 review these either.

10 ALDERMAN PUENTE: Quickly, were any of the
11 calls --

12 CHAIRMAN WITKOWIAK: I'm not going to ask to
13 have them accepted at this point. I don't think that
14 would be appropriate.

15 ALDERMAN BAUMAN: Alderman Puente, for your
16 edification, they were secured.

17 ALDERMAN PUENTE: Were any of the incidents
18 occurring between midnight and 5:00 a.m.?

19 ALDERMAN BAUMAN: Some but not all.

20 ALDERMAN PUENTE: Can you elaborate? Do you
21 know how many?

22 ALDERMAN BAUMAN: This document only goes
23 back to February, so we have an item here there was --
24 we have a 4:01 a.m. -- which would be 24 hour --
25 caller having trouble with male subject at location,

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1 cursing. Subject could be heard from background. We
2 have a 1:18:34 incident involving possible stolen
3 vehicle, grey Buick.
4 ALDERMAN WADE: 1:18 a.m., I'm assuming?
5 ALDERMAN BAUMAN: By definition four is 4:00
6 a.m, one is 1:00 a.m. We have a 12:01, that's
7 afternoon. We have a 2:03, that's a.m., the hour in
8 question here. Caller states that her boyfriend hit
9 her, subject is furious, Taylor still on scene. Again
10 gives a location, Citgo Gas Station, the phone number,
11 933-2114. Is that your phone number, sir?
12 MR. BISHOP: As indicated, there's a pay
13 phone.
14 ALDERMAN BAUMAN: Is it on your property?
15 MR. BISHOP: Yes. It's on the corner.
16 ALDERMAN BAUMAN: So it's on your property,
17 and you derive revenue from this pay phone?
18 MR. KAMAL SINGH: Yeah.
19 ALDERMAN BAUMAN: Thank you. So it's your
20 pay phone?
21 MR. BISHOP: No, it's not his pay phone,
22 it's the phone company's.
23 ALDERMAN BAUMAN: But you permit this pay
24 phone to be located on your property?
25 MR. KAMAL SINGH: Ameritech.

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1 CHAIRMAN WITKOWIAK: You allow it there.
2 ALDERMAN BAUMAN: And you derive revenue
3 from this pay phone.
4 MR. SINGH: Yeah.
5 ALDERMAN BAUMAN: Yet you see no need to
6 take responsibility for what goes on.
7 MR. BISHOP: He will certainly take
8 responsibility and eliminate the phone.
9 ALDERMAN BAUMAN: At 11:35, which would be
10 12:35 a.m. --
11 MR. BISHOP: I'm going to object.
12 CHAIRMAN WITKOWIAK: Objection is noted.
13 ALDERMAN BAUMAN: -- that is an incident
14 involving, caller states known subject pulled a gun on
15 caller at 2830 West Clybourn and demanded money from
16 her. Caller states she fled to location. Subject did
17 not obtain money. Next item is --
18 MR. BISHOP: That was 2830 West Clybourn.
19 ALDERMAN BAUMAN: That's where the robbery
20 took place, but the call emanated from your premises
21 again. So about half of the incidents since February.
22 ALDERMAN PUENTE: Thank you.
23 CHAIRMAN WITKOWIAK: Anything further? This
24 matter is in committee.
25 ALDERMAN BOHL: Mr. Chairman, I would move

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1 to deny the 24-hour application due to neighborhood
2 objections to loitering, loud music and noise, late
3 night disturbances, and conduct detrimental to the
4 health, safety, and welfare of the neighborhood as
5 testified to by neighbors.

6 CHAIRMAN WITKOWIAK: The motion by Alderman
7 Bohl is to recommend denial of this application based
8 on neighborhood objections as noted. Any discussion
9 on the motion?

10 ALDERMAN DUDZIK: Mr. Chairman, I'm going to
11 object to that. I just think that you have three
12 neighbors here -- I counted the sheets that were
13 mailed out. There's almost 650 addresses that we
14 apparently mailed out regarding this matter, and we've
15 got three people that showed up. I realize we're
16 probably about three hours behind schedule, but I also
17 don't think that we ever had a great showing as far as
18 the residents that are concerned about this property,
19 and I just can't support taking away this guy's
20 24-hour designation after he's had it for 11 years
21 based on, although they are very credible individuals,
22 three people when we've mailed out to 650.

23 CHAIRMAN WITKOWIAK: Any further discussion
24 on the motion? The motion is to recommend denial of
25 this application based on neighborhood objections

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1 based on the testimony we've heard today and items
2 contained in the notice. Will the clerk please call
3 the roll.
4 THE CLERK: Alderman Bohl.
5 ALDERMAN BOHL: Aye.
6 THE CLERK: Alderman Puente.
7 ALDERMAN PUENTE: No.
8 THE CLERK: Alderman Wade.
9 ALDERMAN WADE: Aye.
10 THE CLERK: Alderman Dudzik.
11 ALDERMAN DUDZIK: No.
12 THE CLERK: Mr. Chair.
13 CHAIRMAN WITKOWIAK: Aye.
14 THE CLERK: The motion is approved three to
15 two.
16 CHAIRMAN WITKOWIAK: Motion carries on a
17 vote of three to two.
18 ALDERMAN BAUMAN: Thank you, gentlemen.
19 * * *

