

00001

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CITY OF MILWAUKEE

UTILITIES & LICENSES COMMITTEE

* * * * *

In the Matter of:

METALWALA, Qamruddin A., Agent for "Al-Karimi Corporation"
24-Hour Establishment application for "Citgo Gas" at 7609
West Capitol Drive

* * * * *

COMMITTEE MEMBERS

- ALD. JOE DAVIS SR. - Vice Chairman
- Ald. Fredrick G. Gordon
- Ald. Joseph A. Dudzik
- Ald. Terry L. Witkowski

DEPARTMENT OF NEIGHBORHOOD SERVICES by BRIAN KAUFMANN

LICENSING DIVISION by JAMES COPELAND

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 &
LICENSING COMMITTEE OF THE CITY OF MILWAUKEE, on
the 23rd day of March, 2004, reported by Donna
Gulczynski of Milwaukee Reporters Associated, Inc.

00002

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

P R O C E E D I N G S

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

VICE CHAIRMAN DAVIS: Next item is in Aldermanic District No. 5, Alderman Bohl's area, and this is for Qamruddin A. Metalwala, agent for Al-Karimi Corporation, 2161 South Sanctuary Drive, New Berlin, Wisconsin, 53151. And this item is in the 5th Aldermanic District as I said before. Is Mr. Metalwala here?

MR. METALWALA: Yes, sir.

VICE CHAIRMAN DAVIS: Please step forward, sir. Have a seat. And Mr. Metalwala, can you confirm that have you been served -- Oh, we have to swear in the applicant first.

MR. METALWALA: He's going to be helping me out.

VICE CHAIRMAN DAVIS: Can you introduce yourself first? Go ahead.

MR. METALWALA: My name is Nadir, N-a-d-i-r, last name is Daya, D-a-y-a.

VICE CHAIRMAN DAVIS: And can the applicant identify himself for the record?

MR METALWALA: Qamruddin Metalwala.

VICE CHAIRMAN DAVIS: And we would have to

00003

1 swear in the two applicants and Alderman Bohl.

2 (Whereupon Alderman Bohl, Mr. Metalwala and
3 Mr. Daya were sworn under oath.)

4 VICE CHAIRMAN DAVIS: Mr. Metalwala, are you
5 aware that your 24-hour establishment application as
6 agent for Al-Karimi Corporation for Citgo Gas at 7609
7 West Capitol Drive, there's a possibility that your
8 application may be denied for the following reasons:
9 This location, if licensed as a 24-hour establishment,
10 will be the source of excess traffic and noise
11 generated by such traffic, cruising, littering and
12 loitering; in addition, if this location is licensed
13 as a 24-hour establishment, will be an overconcentra-
14 tion of after-hour businesses along 76th Street having
15 an adverse impact upon the health, safety and welfare
16 of the neighborhood. Do you acknowledge receipt of
17 this particular notification?

18 MR. METALWALA: Yes, I did receive it.

19 VICE CHAIRMAN DAVIS: And Counsel, you may
20 open.

21 MR. DAYA: Well, I'm not aware of exactly
22 what the methodology is to actually define some terms
23 like overconcentration, but I'm here just to know, you
24 know, how the methodology is actually applied, and
25 specifically if it really applies overall to the

00004

1 entire community. Or is it applied in some sort of a
2 selected manner based on certain methodology and to a
3 certain location that meets certain requirements.

4 VICE CHAIRMAN DAVIS: Sure.

5 MR. SCHRIMPF: Mr. Chairman, if I could.

6 VICE CHAIRMAN DAVIS: Attorney Bruce

7 Schrimpf.

8 MR. SCHRIMPF: Thank you. First of all, I
9 think there's some confusion here. Mr. Daya, you're
10 not an attorney.

11 MR. DAYA: No, I'm not an attorney.

12 MR. METALWALA: No, he's not.

13 MR. SCHRIMPF: You are a C.P.A., as I

14 recall.

15 MR. DAYA: Yes, I am. Thank you very much.

16 MR. SCHRIMPF: And secondly, the standards
17 for the grant of one of these licenses is controlled
18 by 84-7 of the Code of Ordinances, and specifically
19 D-3 of 84-7 controls the basis upon which the
20 committee grants or denies one of these licenses.

21 VICE CHAIRMAN DAVIS: Does that give you
22 relevant explanation of the question that you've
23 asked? Because not only is that one criteria as far
24 as the denial of this application, but there's
25 numerous others that has been duly sent based upon

00005

1 cruising and loitering and an adverse impact on the
2 health, safety and welfare of the neighborhood, so
3 hopefully we've answered your question as it
4 specifically deals with concentration.

5 MR. DAYA: Yes, sir.

6 VICE CHAIRMAN DAVIS: Okay. Alderman Bohl?

7 ALDERMAN BOHL: Thank you, Mr. Chairman and
8 committee members. This is -- this would be a
9 precedence-breaking situation here in the City of
10 Milwaukee, the first of 24-hour establishment licenses
11 to come before the Utilities and Licenses Committee.

12 As the primary sponsor of this particular
13 ordinance, I certainly appreciate the council's
14 standing, at least in trying to get a greater control
15 and grasp over some of the problems that we've seen
16 associated with these type of establishments.

17 My feeling is not that 24-hour establish-
18 ments are not necessary or worthwhile, but that all
19 too often we have seen a disproportionate number of
20 troubles that have brought themselves upon such
21 establishments as they're currently operating. My
22 concern is to keep them within a relative calm basis
23 in terms of the general enjoyment of neighbors in
24 neighborhoods, and also keep a lid on the number of
25 establishments that are in place here.

00006

1 This particular establishment has been
2 operating 24 hours. I am not necessarily elated by
3 having a number of establishments that are operating
4 that late, quite candidly, on my personal level. But
5 that being said, I did notice neighbors -- I have not
6 had any major complaints with this establishment here
7 in the last couple of years of their operation. We do
8 not have any adverse response from residents.

9 The only thing that I would say to
10 Mr. Metalwala is that I would expect due diligence in
11 terms of ensuring that we do not have individuals
12 congregating in the establishment at night. If there
13 are problems that the police department are called
14 and/or the lights need to be shut down, those folks
15 need to be moved on.

16 We're fortunate we're at the cusp on Capitol
17 Drive of seeing cruising in Alderman Davis' district
18 just a little bit east of where my district starts on
19 the eastern end. I want to ensure that those problems
20 don't bring themselves forward there, so I just would
21 ask that you continue to work with me, and at this
22 point I don't believe that there are any neighbors who
23 are here to testify on this matter. At this point I
24 would just ask for the committee's approval on this
25 item.

00007

1 VICE CHAIRMAN DAVIS: Mr. Metalwala, did you
2 want to respond? Here's your opportunity to --

3 MR. METALWALA: We will try our level best
4 to do what Mr. Bohl says, you know. We will try our
5 best, you know. If we do have any problem, we'll let
6 the police know, you know.

7 VICE CHAIRMAN DAVIS: Okay. I need to first
8 of all find out if Neighborhood Services has any
9 objections.

10 MR. KAUFMANN: No objections.

11 VICE CHAIRMAN DAVIS: Okay. And I would
12 assume with this type of 24-hour -- With this 24-hour
13 designation, does the Health Department need to chime
14 in on it?

15 MR. COPELAND: No.

16 VICE CHAIRMAN DAVIS: Okay. Alderman Bohl?

17 ALDERMAN BOHL: And I just want to say, as I
18 said, because this is sort of a precedence-making
19 moment for this committee and also the council; the
20 beauty at least of the new ordinance is not only that
21 it provides a venue for potentially denying late
22 hour operations if they're not well-suited for a
23 neighborhood, but it also brings these back to the
24 committee on a yearly basis so that if problems do
25 resurrect itself, we have the ability to undergo a

00008

1 relatively quick change, and if it's necessary to take
2 adverse action, that we'd be able to do that, so --

3 VICE CHAIRMAN DAVIS: Thank you, Alderman
4 Bohl. This matter is in committee. Is there a
5 motion?

6 ALDERMAN GORDON: Move approval.

7 VICE CHAIRMAN DAVIS: There's a motion on
8 the floor by Alderman Gordon to move approval. Is
9 there any discussion? Is there any objection?
10 Hearing no objection, so ordered.

11 * * *

12
13
14
15
16
17
18
19
20
21
22
23
24
25

