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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
for:

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GURDEV SINGH
VK CITGO, LLC
1254 North 35th Street

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COMMITTEE MEMBERS

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ALD. JAMES WITKOWIAK - Chair

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ALD. JAMES BOHL, JR., - Vice-Chairman

ALD. JOSEPH A. DUDZIK

12

ALD. ROBERT PUTENTE

ALD. WILLIE WADE

13

LICENSING DIVISION by REBECCA BARRON

14

NEIGHBORHOOD SERVICES by PANDORA BENDER

HEALTH DEPARTMENT by PAUL ZEMKE

15

POLICE DEPARTMENT by SEARGENT JOHN HOGAN

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 1st day of March, 2005.

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P R O C E E D I N G S

CHAIRMAN WITKOWIAK: In the 4th District, Gurdev Singh, Agent for "VK Citgo, LLC," 24 hour establishment application for VK Citgo at 1254 North 35th Street.

THE APPLICANT: Good afternoon.

CHAIRMAN WITKOWIAK: Good afternoon.

Would you raise your right hand and be sworn in, please?

(Witness duly sworn.)

CHAIRMAN WITKOWIAK: State your name and address for the record, please?

THE APPLICANT: Gurdev Singh. 1254 North 35th Street, Milwaukee. That's my business address. So my home address is W176 S5436 Highland Drive, Menomonee Falls.

CHAIRMAN WITKOWIAK: Mr. Singh, do you admit to receiving a notice in the mail that there's a possibility your application could be denied because of neighborhood objections at this location for this license as a 24 hour establishment during the hours listed in the plan of operation will lead to excessive noise, late night disturbances, litter, loitering and traffic generated by the existence of a 24 hour license,

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1 such that the health, safety and welfare of the
2 adjoining residential neighbors will be adversely
3 impacted.

4 THE APPLICANT: Yes.

5 CHAIRMAN WITKOWIAK: We have to check
6 in with the Health Department and Neighborhood
7 Services.

8 HEALTH DEPARTMENT: No objections.

9 NEIGHBORHOOD SERVICES: No objections.

10 CHAIRMAN WITKOWIAK: Alderman Bauman.

11 ALDERMAN BAUMAN: Thank you, Mr. Chair.

12 Apparently, we have a issue with the notice,
13 because concentration is one of the - - one of
14 the issues I wish to raise in addition to what's
15 listed. The concentration issue wasn't listed.
16 So apparently that does not permit us to deal
17 with that today. So on that basis, I would ask
18 that this matter be held one cycle, because I do
19 want to address what is an obvious concentration
20 issue, there being three other establishments
21 within not only a mile, but within 200 feet of
22 the establishment. At this point, one at 36th
23 and Vliet, one at - - one in the 1300 block of
24 North 35th Street, and then this establishment in
25 the 1200 block of North 35th Street, and then

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1 next door is a McDonald's at also the 1200 block
2 of North 35th. These are major trash generators
3 for the neighborhood. The individuals who live
4 on McKinley Boulevard, West Juneau, North 34th
5 Street, North 33rd Street, North 32nd are
6 constantly complaining to my office about trash
7 and litter on their streets and sidewalks. They
8 know where it comes from. They can recognize
9 McDonald's wrappers, the fast food wrappers, the
10 potato chip wrappers. This is a convenience
11 store and gas station, and - - and, frankly,
12 these residents are absolutely fed up with the -
13 - These are the only three establishments, and
14 this being one of them, the other two I did not
15 grant 24 hour licenses to, and would have
16 strongly opposed them had I been alderman at the
17 time. But these establishments are the sources
18 of this litter. There is absolutely no question
19 about it. I've seen it with my own eyes. It's
20 almost like a trail of - - of beans following the
21 pedestrians as they leave these establishments
22 down McKinley, down Juneau, and even over in the
23 area of Vliet.

24 So those are the issues that I intend
25 to raise. I'm not sure we can raise them today,

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1 because of the fact that the concentration issue
2 was not part of the notice. Thank you.

3 CHAIRMAN WITKOWIAK: Mr. Singh, we'll
4 give you a - - before the committee discusses
5 this further, we'll give you an option here. You
6 could waive the right to be noticed about the
7 concentration argument, and we will proceed. Or
8 if you - - If you don't choose to waive that,
9 there's, I feel that somebody on the committee
10 may ask for this to be held over to a subsequent
11 meeting. Do you kind of understand that?

12 THE APPLICANT: Say again. I - -

13 CHAIRMAN WITKOWIAK: Okay. Your choice
14 now is you can say that you - - you waive the
15 right to receive that notice that Alderman Bauman
16 is going to approach us with concentration
17 argument, because it wasn't listed as part of the
18 notice here.

19 THE APPLICANT: Okay. I just waive the
20 concentration.

21 CHAIRMAN WITKOWIAK: Pardon?

22 THE APPLICANT: I just waive - - waive.

23 CHAIRMAN WITKOWIAK: You want to wait
24 until a subsequent meeting?

25 THE APPLICANT: No, I guess I don't

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1 want the meeting, because, you know, mostly next
2 week I'm going - - leaving to my country for
3 three weeks.

4 CHAIRMAN WITKOWIAK: Okay. So you wish
5 to - - You wish - - You wish to waive your right
6 to notice about concentration.

7 THE APPLICANT: Yeah.

8 CHAIRMAN WITKOWIAK: Okay. Then we
9 will proceed. Any questions by members of the
10 committee?

11 ALDERMAN BOHL: Mr. Chairman.

12 CHAIRMAN WITKOWIAK: Alderman Bohl.

13 ALDERMAN BOHL: I'm - - I'm wondering,
14 Mr. Singh, how long have you owned this
15 particular Citgo station?

16 THE APPLICANT: Almost three years.

17 ALDERMAN BOHL: Almost three years.

18 THE APPLICANT: Yes, sir.

19 ALDERMAN BOHL: So you would have - -
20 Your ownership here would have preceded the
21 council's change in what we call the 24 hour road
22 here. Has this place, during your time, operated
23 as a establishment with hours beyond midnight in
24 the morning - - into the morning hours?

25 THE APPLICANT: No.

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1 ALDERMAN BOHL: So what - - what are
2 your current hours now?

3 THE APPLICANT: 24 hours right now.

4 MS. BARRON: If I can just interject.

5 ALDERMAN BOHL: By all means.

6 MS. BARRON: We're changing from VK
7 Petroleum, Inc. to VK Citgo, LLC. So we're
8 basically changing legal entities. There is a
9 current 24 hour license there. It's just a new
10 legal entity.

11 ALDERMAN BAUMAN: Is it a renewal then
12 or?

13 MS. BARRON: It's a - - It's a new
14 application, because it's a new legal entity.

15 THE APPLICANT: But mostly, I change my
16 company name before I have two locations. One is
17 at 52 - - 08 North Teutonia Avenue. That my name
18 is the same, VK Petroleum. That my location
19 under VK Petroleum. So my bookkeeper suggest to
20 me why you don't change the other - - make the
21 other company VK Citgo, LLC.

22 ALDERMAN BOHL: Well, there may be a
23 good reason for that in a moment.

24 ALDERMAN PUENTE: Mr. Chair.

25 THE APPLICANT: So that's why - -

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1 That's why I brought 24 hour license.

2 CHAIRMAN WITKOWIAK: Alderman Bohl
3 first, and then Alderman Puente.

4 ALDERMAN BOHL: Just a follow-up to
5 that then. Mr. Schrimpf, I'm wondering - - I'm
6 assuming that if he has a current 24 hour
7 license, he has vested property rights in that
8 license which would actual - - I don't want to
9 make the case here - - would obliterate part of
10 the argument being thrown here. Does the fact
11 that he is seeking to change the status of his
12 application in terms of corporations, that kind
13 of throws out the protective property rights,
14 does it not? I'm assuming.

15 MR. SCHRIMPF: I - - I think a court
16 might view this as being in the nature of a
17 continuing operation, even though, I mean, Ms.
18 Barron is absolutely correct. The legal entities
19 are changing, and it's a new legal entity.
20 You've already - - This gentleman already has an
21 interest in a 24 hour license, essentially at
22 that same location. This - - You have it right
23 now, right?

24 THE APPLICANT: Yes, sir.

25 MR. SCHRIMPF: And this was an idea of

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1 your bookkeeper, huh?

2 THE APPLICANT: Yes.

3 ALDERMAN BAUMAN: Mr. Chair, with all
4 due respect, I'm not sure it's quite that easy.
5 I mean, it's either renewal or it's not. If not,
6 then the legal standard applicable to renewal
7 just doesn't apply. If this is a new license, I
8 fully intend to treat this as a new license and
9 strongly oppose the 24 hour operating arrangement
10 and operating plan, because frankly, there should
11 be no 24 hour establishments operating in this
12 neighborhood. This is a central city
13 neighborhood. It has a history of high crime,
14 especially at those late hours. And the only way
15 to improve the public safety in this immediate
16 area is to frankly shut down these establishments
17 that operate beyond midnight. That is a serious
18 crime problem. There are serious loitering
19 issues. There are serious drug dealing issues at
20 these late hours after midnight, after 11 a.m.,
21 especially after bar time. People congregate at
22 these establishments for snack foods and for just
23 general loitering purposes to engage in drug
24 transactions. These are things I've seen with my
25 own eyes. I know my neighbors have seen them. I

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1 know that their district can document them in
2 detail and in great volume, and that is why these
3 establishments - - this page should be blank as
4 far as I'm concerned. If - - If the interest of
5 residents, homeowners, and the public safety of
6 those residents and homeowners is to be taken
7 first and given the highest priority.

8 So that is why this is a new license,
9 and I will treat it as such, and I strongly urge
10 the committee to vote against the 24 hour license
11 at this establishment, based on the issue of
12 concentration, and based on the litter and the
13 issues of public safety in this immediate
14 vicinity.

15 CHAIRMAN WITKOWIAK: Thank you,
16 Alderman. Questions by members of the committee?

17 ALDERMAN PUENTE: Mr. Chair.

18 CHAIRMAN WITKOWIAK: Alderman Puente.

19 ALDERMAN PUENTE: I would like - - I
20 understand you've seen these things, but I know
21 the police keeps logs of calls for services at
22 locations. I know when there's renewal for 24
23 hours in my district, I - - I get that
24 information, especially as it pertains from the
25 hours of midnight to six a.m. Do you have any of

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1 that information by chance, Alderman Bauman?

2 ALDERMAN BAUMAN: Not present today.

3 ALDERMAN PUENTE: Okay.

4 ALDERMAN BAUMAN: I certainly
5 appreciate your concern. I would certainly
6 endeavor to get that information when we return
7 this. I think that is relevant. You're right.

8 CHAIRMAN WITKOWIAK: Alderman - -
9 Alderman Dudzik moves to make this map titled
10 licensed 24 hour establishments within one square
11 mile area centered on 1254 North 35th Street,
12 dated March 1st, 2005, as part of the record
13 listed as Exhibit 1, and hearing no objections,
14 that's so irdered. Anyone else?

15 This was noticed for neighborhood
16 objections. Is there anyone here in the audience
17 that's here to testify on this matter? Let the
18 record show no one has acknowledged.

19 CHAIRMAN WITKOWIAK: Mr. Singh, do you
20 have anything further to add?

21 THE APPLICANT: I think - - I be there
22 last three years. So I don't have any problems
23 with the peoples. All my customers are very
24 friendly. At nighttime when I was working there,
25 so I don't have any problems work around the

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1 neighborhood. So I don't also - - I'm - - I'm
2 just company name change. I'm the same
3 owner/applicant, everything the same.

4 CHAIRMAN WITKOWIAK: How long have you
5 owned that place?

6 THE APPLICANT: Three years.

7 CHAIRMAN WITKOWIAK: Three years. And
8 how long has that been a 24 hour establishment?

9 THE APPLICANT: When I was - - When I
10 was - - took that place that 24 hours.

11 CHAIRMAN WITKOWIAK: It was when you
12 bought it.

13 THE APPLICANT: Yeah. It was 24.

14 CHAIRMAN WITKOWIAK: Anything further?
15 This matter is in committee.

16 ALDERMAN DUDZIK: Well, Mr. Chairman,
17 Mister - - or at Alderman Bauman's request, I
18 think we should hold this. I just have a
19 question as to how long we're going to be holding
20 it. As Mr. Singh's indicated he's going to be
21 out of the country for how long?

22 THE APPLICANT: Three weeks.

23 ALDERMAN DUDZIK: Three weeks. That's
24 a cycle. I guess we could hold it to the call of
25 the Chair.

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1 CHAIRMAN WITKOWIAK: And just hold it
2 to the call of the Chair.

3 MR. SCHRIMPF: Mr. Chair, it was my
4 understanding Mr. Singh said you were going to
5 leave in three weeks and then you would be out of
6 the country for three weeks?

7 THE APPLICANT: Yeah, I'm going to my
8 country, India, and I'm leaving 8th of March. I
9 come back the 29th of March.

10 ALDERMAN WADE: Just - - Just so I'm
11 clear on this, the whole - - First to hold this,
12 what exactly are we holding it for? What
13 information would be forthcoming that would allow
14 us to make a clear decision. Have there been
15 some instructions or some information put out
16 there that would make this clearer for us, or - -
17 or is that not the case?

18 CHAIRMAN WITKOWIAK: Alderman Bauman,
19 you wish to explain this?

20 ALDERMAN BAUMAN: Yes. Alderman
21 Puente raised a good point, and that was whether
22 there was or was not a record of police calls to
23 this location, and I indicated to him I was not
24 aware either way. And so, I thought it would be
25 useful to make the request and determine whether

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1 there were or were not police calls, after a
2 request had been made for that information.
3 Obviously, if the request is made and it comes
4 back as being no calls, that would be relevant, I
5 think to
6 your - -

7 ALDERMAN DUDZIK: Would that change
8 your position, Alderman?

9 ALDERMAN BAUMAN: No. It might change
10 yours. Because I - - I believe in this
11 neighborhood, at this - - this particular
12 location in this particular neighborhood, - - I'm
13 very familiar with these establishments. I live
14 several blocks to the southeast. 24 hour
15 establishments are just plain trouble. And so,
16 no, it wouldn't particularly change - - This is a
17 nice store. I mean, it's well lit, well
18 constructed. It's attractive from the hours of
19 seven a.m. to midnight. It's a great facility.
20 But late night is a problem. It is an inherent
21 problem, in my judgment. But the police
22 information will bring out - - We have a
23 concentration documentation, and the presence or
24 absence of police calls will, I think, provide
25 one more bit of testimony in evidence for the

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1 committee to consider pro or con.
2 ALDERMAN PUENTE: Mr. Chair.
3 CHAIRMAN WITKOWIAK: Alderman Puente.
4 ALDERMAN PUENTE: On the motion,
5 that's exactly correct. I think it would clear
6 the air one way or another, not that there's a
7 perception of it rather than a reality. Mr.
8 Singh says he has had no problems. And we can
9 substantiate it or not through documentations,
10 calls for service in the police reports. I know
11 they only go back a certain amount of time, but
12 I'm sure we can get a handle or a feel for
13 whether or not there's any concerns, especially
14 between the hours of midnight and six a.m.
15 MR. SCHRIMPF: Mr. Chairman.
16 CHAIRMAN WITKOWIAK: Mr. Schrimpf.
17 MR. SCHRIMPF: I would have one
18 question of Mr. Singh.
19 CHAIRMAN WITKOWIAK: Mr. Schrimpf.
20 MR. SCHRIMPF: Thank you. Mr. Singh,
21 do you have any system in place for dealing with
22 litter? Do you have people going about the
23 neighborhood, picking up trash, that sort of
24 thing?
25 THE APPLICANT: No, I don't - -

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1 MR. SCHRIMPF: Okay. And I take it you
2 do sell prepackaged food and snack items and that
3 kind of thing in the store.

4 THE APPLICANT: You know, but mostly
5 the morning time, about six o'clock I be there.
6 I be there just pick something around, something
7 up. People just put some snack and empty can. I
8 just clean up on my lot and in front of the door.

9 MR. SCHRIMPF: But, Mr. Singh, I don't
10 think the concern so much is your lot but the
11 surrounding neighborhood.

12 THE APPLICANT: No, I don't.

13 ALDERMAN BOHL: Mr. Chairman.

14 CHAIRMAN WITKOWIAK: Alderman Bohl.

15 ALDERMAN BOHL: So everyone is aware,
16 that 24 hour rule applies to midnight to five,
17 right now, because it went to six and seven here.
18 I think that some of us would be sweating. But
19 the other thing is that - - And I'm trying to
20 recall as the - - the author of that 24 hour
21 rule, if this was applicable April 1 or May 1,
22 because I thought we moved it. I'm wondering,
23 because he has a current license, and I know we
24 may get into a dispute as to whether or not this
25 is seemingly a renewal or a new license, he still

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1 currently has a license now that would have been
2 approved from last year. He may have other
3 options, and if he's going to be out of town,
4 what would be a timely basis to hear that?

5 CHAIRMAN WITKOWIAK: Ms. Barron?

6 MS. BARRON: The current license will
7 expire on April 30th.

8 ALDERMAN BOHL: Okay. So it was a - -
9 a May, what I call May 1st, but it's April 30th.
10 Thank you.

11 CHAIRMAN WITKOWIAK: It will expire
12 when? April?

13 MS. BARRON: April 30th.

14 CHAIRMAN WITKOWIAK: April 30th.

15 MS. BARRON: The license period is May
16 1st through April 30th.

17 ALDERMAN BOHL: Mr. Singh, did I hear
18 you correctly? You're going to be out of town
19 for the duration of the month of March? Is that
20 correct?

21 THE APPLICANT: Yeah. Just for three -
22 - in India for three weeks, I'll be there.

23 CHAIRMAN WITKOWIAK: If we - - If it's
24 still the pleasure of this committee to hold this
25 matter, we should - - should hold it until the

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1 first meeting in April, so that it would be - -
2 ALDERMAN BOHL: It actually would shut
3 him voluntarily, three days.
4 ALDERMAN WADE: Mr. Chair.
5 CHAIRMAN WITKOWIAK: Alderman Wade.
6 ALDERMAN WADE: What's the date in
7 April?
8 CHAIRMAN WITKOWIAK: I'm looking that
9 up here. April 19th would be the license
10 committee meeting. And this goes through council
11 on May 3rd.
12 ALDERMAN WADE: So there's no council
13 meeting in the month of April.
14 CHAIRMAN WITKOWIAK: It's - - It
15 precedes the U&L meeting. It's before the U&L
16 meeting.
17 ALDERMAN WADE: Okay.
18 ALDERMAN PUENTE: You won't be back on
19 March 22nd by chance, would you?
20 THE APPLICANT: The 29th.
21 CHAIRMAN WITKOWIAK: Okay. Anything
22 further? Motion by Alderman Dudzik is to
23 recommend that we hold this matter at the call of
24 the Chair for scheduling in April - - April 19th
25 Utility and Licenses meeting. Are there any

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1 objections or discussion on that motion?
2 Alderman Bohl?
3 ALDERMAN BOHL: I just - - No, I just
4 want to - - prior to the objection.
5 CHAIRMAN WITKOWIAK: Are there any
6 objections to that motion?
7 ALDERMAN WADE: Mr. Chair.
8 CHAIRMAN WITKOWIAK: Alderman Wade.
9 ALDERMAN WADE: On the motion, that
10 leaves him what, three - four days where he won't
11 be able to operate. Is that correct?
12 CHAIRMAN WITKOWIAK: Well, it would be
13 three days he would have to close between what,
14 midnight and five a.m.
15 MR. SCHRMIPIF: Five a.m.
16 ALDERMAN WADE: For three days.
17 CHAIRMAN WITKOWIAK: Yeah, for three
18 days.
19 ALDERMAN PUENTE: That's if he gets
20 approved.
21 CHAIRMAN WITKOWIAK: Yeah. All right.
22 ALDERMAN WADE: Okay.
23 CHAIRMAN WITKOWIAK: Okay. Are there
24 any objections to the motion?
25 ALDERMAN BOHL: One.

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1 CHAIRMAN WITKOWIAK: Hearing one
2 objection, the motion carries on a vote of four
3 to one. We'll see you - - Actually, you can put
4 this down on your calendar right now. We'll see
5 you April 19th. I don't know what time it will
6 be scheduled, but that's when we'll - -
7 THE APPLICANT: Okay.
8 CHAIRMAN WITKOWIAK: Okay?
9 THE APPLICANT: Okay.
10 CHAIRMAN WITKOWIAK: April 19th, thank
11 you.
12 THE APPLICANT: Thank you.
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STATE OF WISCONSIN)

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MILWAUKEE COUNTY)

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I, JEAN M. BARINA, of Milwaukee Reporters
Associated, Inc., do certify that the foregoing
transcript was reduced to writing under my direction
and that it is a true and accurate transcription of
the UTILITIES AND LICENSES Committee Hearing held on
March 1, 2005.

JEAN M. BARINA - COURT REPORTER

Dated this day of April, 2005

