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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 Partnership
Application for:

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HARSHINDER P. BHATIA

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RASHINDER LAL

Fond du Lac Amoco

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6003 W. Fond du Lac Avenue

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COMMITTEE MEMBERS

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ALD. JAMES BOHL, JR., - Chairman

ALD. FREDERICK G. GORDON

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ALD. TERRY L. WITKOWSKI

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LICENSING DIVISION by REBECCA BARRON

NEIGHBORHOOD SERVICES by PANDORA BENDER

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HEALTH DEPARTMENT by OSCAR BOND

POLICE DEPARTMENT by SEARGENT JOHN HOGAN

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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 &

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LICENSES COMMITTEE OF THE CITY OF MILWAUKEE, on

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the 14th day of April, 2004.

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P R O C E E D I N G S

(Whereupon all City Employees were previously duly sworn.)

CHAIRMAN BOHL: Harshinder Bhatia and Rashinder Lal, 24 Hour Establishment Partnership Application for Fond du Lac Amoco at 6003 West Fond du Lac Avenue.

Alderman Davis, that is okay with you just to keep them here rather than shuffle them out?

ALDERMAN DAVIS: Yes.

CHAIRMAN BOHL: Committee members, I am taking this one out of order just to keep them at the table rather than shuffle them back out.

MR. SCHRIMPF: Mr. Chairman, you might also want to look at the first item at the ten a.m. agenda.

CHAIRMAN BOHL: The problem is we are shuffling alderman then, but it is a horse apiece. You have all been sworn in again.

Do you know receiving notice of today's meeting for this location, with the possibility that your application could be denied due to objections, at 6003 West Fond du Lac Avenue.

MR. BHATIA: Yes.

CHAIRMAN BOHL: Yes. Alderman Davis, we swore you in at this -- one second, he has already

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1 the same problem. It is a hearsay document. I don't
2 care who is introducing it.

3 CHAIRMAN BOHL: Not that we don't trust
4 your credibility, Alderman Davis.

5 ALDERMAN DAVIS: Okay. There is twenty
6 residents who I personally talked to as their elected
7 official who object to this application. This
8 particular establishment, I personally witnessed a
9 disturbance on this particular piece of property with
10 60th and Fond du Lac also shut down and patrons on the
11 establishment and a willingness not to shut down their
12 establishment or turn the lights off. And it creates
13 traffic jams, public safety concerns and also public
14 loitering that I am concerned about. So I would -- I
15 would hope that the committee would deny the 24 hour
16 establishment based upon littering, loitering, loud
17 music, excessive traffic, disorderly conduct and noise
18 generated by traffic and other conduct which is
19 detrimental to the health, safety and welfare of the
20 neighborhood.

21 MR. SCHRIMPF: Mr. Chairman it would be
22 helpful if the alderman could further identify when
23 this occurred, and I am assuming it was pursuant to a
24 personal observation as opposed to what neighbors told
25 you, but it would be helpful if we could have more

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1 facts on this, Mr. Chairman.

2 ALDERMAN DAVIS: Sure. Fact Number 1,
3 there is a gentleman who I visited, who stayed at 6020
4 West Medford Avenue. He's among the sick. His side
5 windows are boarded up because of patrons going to the
6 gas station at early morning hours and leaving the gas
7 station at early morning hours, busting his windows.
8 He has tried to approach the providers or the owners
9 to try to come up with some type of reasonable hours
10 or security at that particular location and has not
11 been able to come to any type of agreement.

12 I have personally witnessed this summer, as
13 was stated by and has been verified by Richard Leppy
14 from Taco Bell, which is approximately a block away
15 from this establishment, which occurs -- what we
16 understand as cruising or traffic. And there are
17 certain locations that operate 24 hours that attract
18 this type of behavior. Unfortunately, the Milwaukee
19 Police Department will not take a position on this,
20 but I have talked to Inspector Ray Susik, which is
21 included in your packet, those routes that are
22 frequented by cruising by the Milwaukee Police
23 Department, and this is the one intersection that is
24 of concern that is in the second aldermanic district.

25 MR. SCHRIMPF: Mr. Chairman, could I ask

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1 some follow-up questions, please?

2 CHAIRMAN BOHL: Go ahead Mr. Schrimpf.

3 MR. SCHRIMPF: Thank you. First of all,
4 alderman, we are talking about the location at 6003
5 West Fond du Lac Avenue, just to make sure I am
6 tracking this correctly.

7 ALDERMAN DAVIS: That is correct.

8 MR. SCHRIMPF: Okay. And you visited --
9 personally visited the residence of somebody who lived
10 immediately adjacent to this property?

11 ALDERMAN DAVIS: That is correct.

12 MR. SCHRIMPF: And that address was 6020?

13 ALDERMAN DAVIS: 6020 West Medford Avenue.

14 MR. SCHRIMPF: And - -

15 ALDERMAN DAVIS: That meaning, Mr.
16 Schrimpf, if I may, his property is directly --
17 approximately in back of the gas station, and the
18 reason I say "approximately" is because I would like to
19 make sure that those residents who speak out in
20 opposition cannot be identified.

21 MR. SCHRIMPF: All right. And you visited
22 this property because this resident was in objection
23 to this location?

24 ALDERMAN DAVIS: That is correct.

25 MR. SCHRIMPF: And this license?

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1 ALDERMAN DAVIS: That is correct.

2 MR. SCHRIMPF: Okay. You personally
3 observed what, with respect to the windows on the
4 property? I don't want to hear what he told you, just
5 what did you observe.

6 ALDERMAN DAVIS: I observed his side
7 windows, which is a City of Milwaukee lot, vacant lot,
8 boarded up, boarded up.

9 MR. SCHRIMPF: Even though he was living in
10 the property?

11 ALDERMAN DAVIS: Even though he was living
12 in the property.

13 MR. SCHRIMPF: Did you have an
14 understanding, without necessarily accepting it for
15 the truth of the matter, as to why those windows were
16 boarded up?

17 ALDERMAN DAVIS: Yes.

18 MR. SCHRIMPF: And what was that
19 understanding?

20 ALDERMAN DAVIS: Vandalism.

21 MR. SCHRIMPF: And do you have an
22 understanding as to -- as to how that vandalism
23 occurred?

24 ALDERMAN DAVIS: Yes.

25 MR. SCHRIMPF: And what is that?

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1 ALDERMAN DAVIS: Patrons leaving and
2 exiting this particular location, as far as the
3 property at 6003 West Fond du Lac Avenue.

4 MR. SCHRIMPF: And did you have an
5 understanding as to whether or not the neighbor had
6 talked to the operators of the location?

7 ALDERMAN DAVIS: Yes.

8 MR. SCHRIMPF: And what is that
9 understanding?

10 ALDERMAN DAVIS: That understanding is that
11 he approached the manager of the gas station, as I
12 have, a female, and also the owners of the gas station
13 where these disturbances occur.

14 MR. SCHRIMPF: Mr. Bhatia and Mr. Lal?

15 ALDERMAN DAVIS: Well, I think it -- you
16 know, they look like twins, but it was Mr. Lal.

17 MR. LAL: Lal, me.

18 ALDERMAN DAVIS: And made it a concern of
19 mine as the alderman of that area that the
20 disturbances were causing neighborhood concerns, and
21 if he could, when there was cruising on his particular
22 establishment, to work with me and shut down his
23 business until law enforcement was able to get the
24 incident under control.

25 MR. SCHRIMPF: Did you discuss the windows

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1 specifically with either Mr. Bhatia or Mr. Lal?

2 ALDERMAN DAVIS: No.

3 MR. SCHRIMPF: What exactly did you
4 discuss? Did you discuss cruising, or did you discuss
5 littering, or did you discuss vandalism?

6 ALDERMAN DAVIS: I discussed cruising. I
7 discussed patrons loitering on his property after 12
8 o' clock midnight.

9 MR. SCHRIMPF: And what, if anything, good --
10 what, if anything, did Mr. Bhatia or Mr. Lal tell you?

11 ALDERMAN DAVIS: He assured me if it --
12 that if it occurred, that he would shut his lights off
13 and turn his pumps off until law enforcement would be
14 able to get the incident under control.

15 MR. SCHRIMPF: Do you have any reason for
16 believing that did not occur?

17 ALDERMAN DAVIS: I observed that it did not
18 occur.

19 MR. SCHRIMPF: When did you make this
20 observation?

21 ALDERMAN DAVIS: Summer of 2003.

22 MR. SCHRIMPF: Did you see a disturbance at
23 6003 West Fond du Lac.

24 ALDERMAN DAVIS: That is correct.

25 MR. SCHRIMPF: What time was that

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1 disturbance? Time of day.

2 ALDERMAN DAVIS: Approximately 2:30 in the
3 morning.

4 MR. SCHRIMPF: Was this a weekend or
5 weekday?

6 ALDERMAN DAVIS: Weekend.

7 MR. SCHRIMPF: Was it the summer or was it
8 the fall.

9 ALDERMAN DAVIS: Summer.

10 MR. SCHRIMPF: And what did you observe?

11 ALDERMAN DAVIS: I observed patrons on his
12 establishment -- multiple patrons, at capacity on his
13 parking lot, and I also observed 60th Street, the 60th
14 Street intersection as it intersects with Fond du Lac
15 Avenue, jam-packed with cars whereas law enforcement
16 had to come in and respond to a disturbance, and I had
17 gotten the call from a neighborhood organization,
18 particularly Barry Givens in response to that
19 particular disturbance.

20 MR. SCHRIMPF: When you saw this
21 disturbance on the evening in question, were cars
22 coming from the street entering the lot and then
23 proceeding from the lot and going back out onto
24 the street?

25 ALDERMAN DAVIS: Mr. Schrimpf, they were

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1 parked on the lot.

2 MR. SCHRIMPF: Okay. And the people were
3 being unruly and noisy?

4 ALDERMAN DAVIS: The people were out of
5 their cars and the lights were on, some were getting
6 gas, some were just parked on the lot.

7 MR. SCHRIMPF: And this was after you had
8 the conversation with Mr. Lal and Mr. Bhatia regarding
9 closing if such a circumstance occurs?

10 ALDERMAN DAVIS: That is correct.

11 MR. SCHRIMPF: That is all I have, Mr.
12 Chairman.

13 CHAIRMAN BOHL: Thank you Mr. Schrimpf.
14 Are there any other questions of Alderman Davis at
15 this point?

16 MRS. LAL: Regarding -- yes, regarding the
17 neighbor's windows, do the neighbors state that
18 perhaps the damage - -

19 CHAIRMAN BOHL: Ma'am, hold on. Before we
20 let you proceed, I just would need your first name as
21 well as your address for the record. I would assume
22 it is the same?

23 MRS. LAL: Monica, M-O-N-I-C-A, Lal.

24 CHAIRMAN BOHL: Mrs. Lal, you can proceed.

25 MRS. LAL: Regarding the neighbor's

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1 windows, did they inform you that happened after
2 hours, as far as the early hours of the morning, as
3 you are establishing for the cruising, or did it occur
4 during what we would call regular business hours?

5 ALDERMAN DAVIS: I didn't ask that
6 question. He didn't volunteer that information.

7 MRS. LAL: So at this point it does not --
8 it isn't clear, rather, that the incident regarding
9 the broken windows would have happened after midnight
10 or anything like that. It could have happened before?

11 ALDERMAN DAVIS: Possibly.

12 MRS. LAL: I personally have seen at that
13 location, regarding that particular neighbor, there is
14 an alley that leads through there and I also know
15 there are a lot of children in that area, so I am
16 submitting that it does not necessarily have to do
17 with the station or patrons coming in and out of the
18 station in regards to his broken windows.

19 CHAIRMAN BOHL: Thank you, Mrs. Lal. Are
20 there any questions of Alderman Davis at this point?

21 I just want to see. Are there any residents
22 who are present to testify on this matter? I hear and
23 see none.

24 Mr. Bhatia, Mr. Lal, this would be your
25 opportunity to provide -- for any comments you have

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1 in relation to some concerns raised by either Alderman
2 Davis, or relate to the committee why you believe that
3 the 24 hour license should be provided for at this
4 location.

5 MR. BHATIA: You know, like I told all my
6 staff --

7 CHAIRMAN BOHL: Mr. Bhatia, you have to
8 pull that microphone closer to yourself here.

9 MR. BHATIA: I told all my help because
10 damage cruising come from Saturday from the tavern,
11 coming at 2:30 in the morning when the tavern closed,
12 there are like hundred of cars come in there, and
13 police guide them all the time. I told my evening
14 crew, every employee, they have to shut lights off.
15 They do. I check from time myself, turning light off
16 and gas station close and gas station lights should be
17 out too, you know. It happens many times, I saw it.
18 And then police come, then police guide all traffic
19 and let it moving, start from Fond du Lac all the way
20 to Capitol, you know.

21 CHAIRMAN BOHL: So you are saying there are
22 instances where there are cruising problems in and
23 around this location on 60th and Fond du Lac Avenue?

24 MR. BHATIA: Yeah, like in summertime last
25 year, but that -- I see when that tavern close, they

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1 come. Tavern is shut now, I shouldn't have any
2 problem.

3 CHAIRMAN BOHL: Is it -- does it more like
4 occur during the warmer months of the year, so late
5 spring it starts up and then probably starts winding
6 down in fall?

7 MR. BHATIA: Something like that. No more
8 than --

9 CHAIRMAN BOHL: How many days a week is
10 this? Is this a significant problem just in general
11 area, is it more or less on weekends.

12 MR. BHATIA: Saturdays. Saturday evenings.

13 CHAIRMAN BOHL: Saturday is the bad night?
14 Okay.

15 MR. SCHRIMPF: Just so we are clear, Mr.
16 Chairman, that's Saturday night/Sunday morning?

17 MR. BHATIA: Yes.

18 MR. SCHRIMPF: As opposed to Friday night/
19 Saturday morning?

20 MR. BHATIA: No, Saturday night/ Sunday
21 morning.

22 MR. SCHRIMPF: Sunday. Okay.

23 MR. BHATIA: And we turn our lights off.

24 CHAIRMAN BOHL: Anything -- so you are
25 indicating you do shut the lights off.

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MR. BHATIA: Right.

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CHAIRMAN BOHL: Anything else Mr. Bhatia,
Mr. Lal, that you want to provide at this point?

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MR. LAL: No. That is all. We have the
cruising problems but only one day. We try to control
it, you know, let our employees know, you know. Even
you don't -- somebody pumping gas, just give them a
few seconds, and after that, turn off, you know. We
have get the petro off.

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ALDERMAN DAVIS: Mr. Chairman?

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CHAIRMAN BOHL: Alderman Davis.

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ALDERMAN DAVIS: I --

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MR. LAL: Then we have signs that we have
all up, "Keep The Noise Down", professional signs,
"Turn The Music Down".

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CHAIRMAN BOHL: You posted signs on your
premises?

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MR. LAL: Yes, there is.

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CHAIRMAN BOHL: Alderman Davis.

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ALDERMAN DAVIS: I just want to -- I mean,
if you ask the applicant, Mr. Chairman, that are they
sure the cruising only occurs on Saturday night and
Sunday morning? Because I think that is not a true
statement. Particularly when school is out in the
summertime, it can occur any time. I am pretty sure

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1 that they have been at this establishment long enough
2 to know that it just does not occur on the weekends.

3 CHAIRMAN BOHL: Get together in your PT
4 Cruiser some night and check it out.

5 ALDERMAN DAVIS: Absolutely.

6 CHAIRMAN BOHL: And my minivan.

7 ALDERMAN DAVIS: But I definitely want to
8 make sure that I ask that question because I do not
9 want to mislead the people or the residents that I
10 represent, for the business to say that it only occurs
11 on Saturday night because that is not true, because I
12 have observed it during the weekday also. I publicly
13 stated that I observed it, as Mr. Schrimpf had
14 questioned me, specifically on a Saturday night.

15 MR. BHATIA: I know that like I notice
16 myself Saturday night tell them Saturday night shut
17 lights off, even inside light too, that's what the
18 police told us.

19 CHAIRMAN BOHL: Have you seen or heard
20 cruising on other nights or are you just stating the
21 Saturday night seems to be the worst of it?

22 MR. BHATIA: I think Saturday night is
23 worst one, but I am all over there one, two o'clock in
24 the morning, you know, in that neighborhood all the
25 time.

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1 CHAIRMAN BOHL: But cruising could be
2 occurring on other nights of the week.

3 MR. BHATIA: It can happen, you know.

4 CHAIRMAN BOHL: All right. Otherwise if
5 there is no further discussion, no other questions by
6 committee, we are in committee.

7 ALDERMAN WITKOWSKI: Mr. Chairman?

8 CHAIRMAN BOHL: Alderman Witkowski.

9 ALDERMAN WITKOWSKI: I move that this
10 application be denied based on littering, loitering,
11 loud music, excessive traffic, disorderly conduct and
12 noise generated by traffic and other conduct which is
13 detrimental to the health, safety and welfare of the
14 neighborhood.

15 CHAIRMAN BOHL: The motion by Alderman
16 Witkowski is for denial of the application, due to
17 littering, loitering, loud music, excessive traffic,
18 disorderly conduct, noise by traffic and conduct which
19 is detrimental to the health, safety and welfare of
20 the neighborhood.

21 Is there any discussion on that?

22 Are there any objections? Hearing none, so
23 ordered. That's all.

24 Mr. Schrimpf, I don't know that we need to
25 to respond to anything else.

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MR. SCHRIMPF: No.

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STATE OF WISCONSIN)
MILWAUKEE COUNTY)

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
April 14, 2004.

JEAN M. BARINA - COURT REPORTER

Dated this day of May, 2004

