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CITY OF MILWAUKEE

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UTILITIES & LICENSES COMMITTEE

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In the Matter of the
Motor Vehicle Dealer Renewal Application for:

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JAMES LETIZIA
DIAMOND JIM'S
5848 South 27th Street

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COMMITTEE MEMBERS

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ALD. JAMES BOHL, JR., - Chairman
ALD. JOE DAVIS, SR., - Vice Chairman
ALD. FREDERICK G. GORDON
ALD. JOSEPH A. DUDZIK
ALD. TERRY L. WITKOWSKI

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LICENSING DIVISION by JAMES COPELAND
NEIGHBORHOOD SERVICES by PANDORA BENDER
HEALTH DEPARTMENT by PAUL ZEMKE

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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 18th day of February, 2004.

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1 P R O C E E D I N G S

2 (Whereupon the City employees were

3 previously duly sworn.)

4 CHAIRMAN BOHL: The last item on our 11

5 o'clock agenda is for James Letizia or Letizia.

6 THE APPLICANT: Letizia.

7 CHAIRMAN BOHL: Letizia. Second-hand

8 motor vehicle dealer renewal application for

9 Diamond Jim's Auto Sales at 5848 South 27th

10 Street. Okay. And bear with me one moment here

11 while we find this. And I assume you are counsel

12 representative of the applicant?

13 MR. COFFEY: I am.

14 CHAIRMAN BOHL: Sir, if we can get your

15 name here, counsel.

16 MR. COFFEY: Thomas Letizia also

17 appears, but I am Attorney Dennis Coffey, C-O-F-

18 F-E-Y.

19 CHAIRMAN BOHL: Thank you, Mr. Coffey.

20 And which of you is - - is James?

21 MR. COFFEY: Tom is the operator of the

22 business and appears on behalf of the business.

23 CHAIRMAN BOHL: Take a look at the

24 application here and the licensing division

25 didn't do it in the proper order.

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1 MR. SCHRIMPF: Mr. Chairman, is this a
2 sole proprietorship?
3 CHAIRMAN BOHL: That's what I'm
4 wondering. That's what I'm looking at.
5 MR. COFFEY: It is not. I'm sorry.
6 MR. SCHRIMPF: Is it a corporation?
7 MR. COFFEY: It is not a corporation.
8 Mr. Letizia is the operating manager of the
9 business for his father, James Letizia.
10 MR. COPELAND: The application is
11 indicated as an individual under James Letizia.
12 MR. COFFEY: And James Letizia is, has
13 been the licensee. He is out of the state,
14 unavailable.
15 CHAIRMAN BOHL: Mr. Schrimpf, you're
16 going to tell us that the applicant is not
17 here - -
18 MR. SCHRIMPF: That's right.
19 CHAIRMAN BOHL: - - and because this is
20 not an LLC, can they at this point have counsel
21 represent - -
22 MR. SCHRIMPF: Not an LLC or
23 corporation. That's correct.
24 CHAIRMAN BOHL: - - as a - - In other
25 words, we can't even hear it.

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1 MR. SCHRIMPF: That's right.

2 CHAIRMAN BOHL: He's got to be - - The
3 only thing that we will do at this time here, Mr.
4 Coffey, is we will, because of - - how many of
5 the residents who are here are here in opposition
6 to the application? We're going to hear your
7 testimony. I will give you - - grant you the
8 ability to - - to cross-examine those witnesses.
9 We can take your testimony here, Mr. Coffey, we
10 cannot render a decision at this point here,
11 because we still have to have the ability to
12 bring Mr. James Letizia forward and if the
13 committee sees fit to raise questions to him. If
14 this is an LLC, that's a different story, but
15 that's - - The law's the law, and I think you can
16 appreciate that.

17 MR. COFFEY: Can I just in summary
18 address two things?

19 CHAIRMAN BOHL: You certainly may.

20 MR. COFFEY: In terms of the notice
21 that was given, there are, and I guess you can
22 describe it as three allegations. The second
23 involves - - is operated in such a manner that
24 constitutes a public nuisance and conduct on a
25 licensed premises had an adverse effect on the

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1 neighborhood, et cetera. And it says see
2 attached - - see attached. The attachment is an
3 inspection report and an order to correct
4 condition. It was, in fact, issued to the
5 business in the Fall of last year, and the
6 business, through people operating it went, as
7 provided by ordinance and law in the State of
8 Wisconsin, to the Board of Zoning Appeals. That
9 matter is pending. I object on behalf of my
10 clients to there being any claim that that can
11 constitute a violation of some law or anything
12 else if, in fact, they are pursuing their
13 appellate rights before the Board of Zoning
14 Appeals. So, I object to any consideration or
15 would object to any consideration of item number
16 two in the notice. But with that, I have nothing
17 further to begin the - - the matter.

18 CHAIRMAN BOHL: I would concur with the
19 latter part, and in terms of accord of the - -
20 the Board of Zoning Appeals and the Department of
21 Service guidelines, that is a separate matter
22 that is the equivalent that I will rule as double
23 jeopardy. What I will state is I believe that
24 the licensed premises operated in a manner which
25 constitutes a public nuisance and conduct of the

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1 licensed premise had an adverse effect on the
2 neighborhood will still be admissible.

3 MR. COFFEY: Fine.

4 CHAIRMAN BOHL: In terms of how it
5 applies to the Board of Zoning Appeals that is a
6 separate matter, Mr. Coffey. I would concur with
7 that.

8 Mr. Coffey, I'm - - I'm going to raise
9 this here even though there is not an applicant
10 who is - - who is present. I will say that in
11 terms of the application for Diamond Jim's that -
12 - that, Mr. Schrimpf, how do I even do this if
13 the applicant isn't here, because I can't
14 necessarily ask any - - the applicant him - -
15 himself whether or not he has received notice
16 with the following here, of - - of the following
17 objections.

18 MR. SCHRIMPF: Well, you can certainly
19 ask counsel how he is here. I have - - I'm
20 sorry.

21 CHAIRMAN BOHL: All right. We'll just
22 - - I'll just - - I'll just say that - - raise a
23 question in terms of acknowledgement that James
24 Letizia was called forward here and that there
25 was a possibility that the application could be

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1 denied due to neighborhood objections, as you've
2 already cited at this point here, Mr. Coffey.

3 MR. COFFEY: Mr. Letizia did, in fact,
4 receive notice, provided that notice to me as his
5 retained counsel, and I appear as retained
6 counsel.

7 CHAIRMAN BOHL: Okay. Thank you. I
8 appreciate that. We'll just go around the horn
9 briefly. Health department?

10 HEALTH DEPARTMENT: Health Department
11 has no objections.

12 CHAIRMAN BOHL: Neighborhood Services.

13 DNS: Neighborhood Services has hold in
14 regards to orders and zoning issues.

15 CHAIRMAN BOHL: And those are those
16 matters that are attached in the file that should
17 have been provided to Mr. Coffey. Is that
18 correct? Can anyone here answer that question
19 for me?

20 MR. COPELAND: Those items attached to
21 the files were mailed to the applicant.

22 CHAIRMAN BOHL: Okay. That - - That is
23 - - I'll take that as an affirmative then. Okay.
24 There is no - - There is no police report. We -
25 - We do need, with exception here of Mr. Coffey,

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1 to swear everyone in who intends to provide
2 testimony on this matter. If you could all raise
3 your right hands, we'll swear you in all together.

4 MS. ELMER: Do you solemnly swear to
5 tell the truth, the whole truth, and nothing but
6 the truth, so help you God?

7 THOSE PRESENT: I do.

8 CHAIRMAN BOHL: Okay. And what we're
9 going to do here is, Alderman Witkowski, this is
10 - - Just folks, I appreciate your staying. We
11 will not be rendering a decision on this matter.
12 Legally the applicant is not here before us, and
13 if we took action at this point, this is
14 something that could be used against us in a
15 court - - in a court of law because he is not
16 present. I don't want to have to reschedule this
17 and ask you after your patience here so far this
18 morning and now early afternoon, to come back.
19 And so what we're going to do is because he does
20 have counsel present we're going to allow you to
21 provide your direct testimony as to things, as I
22 stated earlier, that you have seen directly. I
23 don't want to hear what you heard through your
24 neighbor, that cars are being parked illegally.
25 What you have seen or - - or - - or witnessed

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1 directly yourselves.

2 What we will do is I'll get a very
3 brief overview from - - from Alderman Witkowski.
4 Alderman Witkowski, please know we are not done
5 with this. So we would ask for brevity on your
6 part, understanding that we're now 20 - - 15 - 20
7 minutes into our afternoon cycle and nobody's had
8 a lunch break here, at least you and I haven't.
9 What we'll do is we'll get testimony and we will
10 ask - - The committee will be able to answer
11 questions. Mr. Coffey, you will be able to raise
12 any cross testimony that you may have, cross-
13 examine, questions to the witnesses, and at this
14 point after that comes forward we're going to
15 hold this matter to the Call of the Chair and
16 provide an opportunity for your client to come
17 forward here and be present with us. Alderman
18 Witkowski.

19 ALDERMAN WITKOWSKI: Thank you, Mr.
20 Chair. But I will save, obviously, a
21 recommendation for the meeting that we take
22 action on this. This problem came to my
23 attention on - - on August 6th about nine days
24 after I took an oath of office here, through a
25 neighborhood meeting. First one that I attended

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1 regarding a problem with - - with Diamond Jim's.
2 And I think the neighbors will give you a
3 background on what has been going on. I did
4 address - - I did take the problems to Tom
5 Letizia the day of the meeting, and was greeted
6 with a total barrage of, well, loud yelling and
7 swearing and not even letting me get out what the
8 neighborhood complaints were. The next day I did
9 her - - hear from the owner for about 45 minutes
10 in the same manner, and I have not been - - and I
11 have not had cooperation up until the time that
12 it was supposed to go before BOZA. Four days
13 before, I received a phone call from the owner
14 indicating that why can't we all get along? Any
15 changes that have been taken - - that have taken
16 place here have taken place after some type of
17 city action, including citations issued by
18 parking checkers, and a meeting with the - - the
19 officer on patrol in the area, the police
20 sergeant, and the manager. After those events
21 there were - - there was cooperation to a certain
22 degree. The group has paved over city right-of-
23 way, which is part of what's over - - over at
24 BOZA. They parked and displayed cars on that
25 land. They did not cooperate when I pointed that

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1 out and asked them to move them. That was the
2 reason for citations. The - - Throughout my
3 short tenure as alderman here this location has
4 provided some problems, including - - including
5 recently with buying a house up the street and
6 parking cars in a residential area.

7 With - - With that background I would
8 like the neighbors to be able to say what they
9 have - - they have seen and what they've endured
10 since the time before I became alderman and
11 since. And I'd also like to hear from Department
12 of Neighborhood Services if that's - - if that's
13 admissible, as well as the parking checker.

14 CHAIRMAN BOHL: Well, and - - and that
15 may be, Alderman, and we can take the Department
16 of Neighborhood Services at another date, because
17 Pandor Bender is going to be here next time.
18 We're trying to this as a convenience to
19 residents and others, as well, too, here. Are
20 there - - Are there questions by committee
21 members of the testimony provided thus far by
22 Alderman Witkowski?

23 ALDERMAN DUDZIK: Mr. Chair.

24 CHAIRMAN BOHL: Alderman Dudzik.

25 ALDERMAN DUDZIK: I don't have a

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1 question for Alderman Witkowski, but rather for
2 counsel. Had your client ever been made aware of
3 this - - all the problems with parking illegally
4 in the right-of-way before?

5 MR. COFFEY: There are actually, I
6 believe, in the materials that were supplied with
7 - - I'm not certain now that I say that. There
8 is a prior issue, I believe it's from 2002, where
9 the illegal parking was addressed. There is an
10 entry in one of the documents that is not a
11 violation or not actionable.

12 ALDERMAN DUDZIK: So prior - - Your - -
13 Your statement is in that prior 2002 they had no
14 knowledge that this is questionable activity at
15 the time.

16 MR. COFFEY: Yes. I mean, and if
17 you'll bear with me for one moment, I saw it this
18 morning as I was sitting here. There is
19 actually, attached to the notice underneath the
20 order, an indication that Diamond Jim's, page
21 evidently four of the notice, near Diamond Jim's
22 - - I'm sorry. It's the next page. Open
23 violations exist, complaints closed. This car
24 lot does not have any wheel stops. Some of these
25 cars are parked halfway off the lot. One car is

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1 rolled into the public sidewalk and right into
2 the bus stop. Someone was injured here. That's
3 the complaint. There has been an inspection
4 report, and the inspection report provides an
5 inspection. The site revealed that this
6 situation is not actionable. Any questions call
7 Ed Hoffman, who I assume to be the inspector. So
8 that there was, in fact, an issue raised in 2000
9 about some of these materials, and the city
10 indicated it was not actionable and nothing was
11 ever done and no notice was ever provided to my
12 client.

13 ALDERMAN DUDZIK: Thank you.

14 CHAIRMAN BOHL: What we're going to do
15 is, again, the same protocol, and I know you've
16 sat through plenty of hearings. Your name,
17 address for the record, your specific complaints.
18 If your name is very difficult for the average
19 person to spell, if it's not Smith or - - or
20 Jones, we would ask that you spell that, please.
21 Sir, we'll take you here first.

22 THE WITNESS: Thank you for hearing me,
23 Mr. Chairman and committee. My name is Michael
24 Williams. My address is 2433 West Goldcrest
25 Avenue, just down the street from Diamond Jim's.

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1 CHAIRMAN BOHL: Thank you. Please
2 proceed.

3 THE WITNESS: My concerns here - - My
4 concern here is to express concerns for the
5 safety of the public and - - and problems with
6 cars and what's going on down the street at the
7 house that he bought. But my concerns with
8 public safety, and these are things that I've
9 witnessed over the last several years. I have
10 not complained about them. I have not talked to
11 the owner of the property. It's something that
12 it was down at the corner. I come from an
13 elderly neighborhood, and it's kind of rubbed off
14 that it hasn't affected us that seriously. But
15 as a traffic problem at the corner when anyone
16 travels down there, it is a definite problem,
17 especially for the elderly people.

18 Diamond Jim had a rotating steel car
19 platform where the car is raised up two to three
20 feet above the ground and rotates. This - - The
21 base of this platform was placed very close to
22 the sidewalk. When the car would rotate, and at
23 this time there was a Cadillac on it, and the car
24 would rotate around and completely go out over
25 the sidewalk, covering the five foot sidewalk.

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1 The one instance of, that I witnessed which
2 caused a concern, was a woman was walking down
3 the sidewalk northbound, and she had a - - She
4 was pushing a baby stroller. So she stopped to
5 time her procedure to the rotating of the car.
6 Unfortunately what she did was she moved over a
7 little bit, because she was afraid of the car
8 coming around, and the stroller went off the edge
9 of the sidewalk and the wheel got stuck. And she
10 came within inches of being knocked over by the
11 car. So that stand with rotation hanging out
12 over the sidewalk was a big concern.

13 Another concern is the parking of cars
14 between the public sidewalk and the curb, the
15 South 27th Street. At first, and this has been
16 over several years, at first the - - it was just
17 one car parked in the driveway approach that is
18 off of 27th Street, which hinders the - - the
19 view of oncoming traffic down the curb lane on
20 27th Street. And this is a divided six lane
21 roadway with no parking lanes. The concern is
22 that people couldn't see and it didn't stop at
23 one car. There were numerous times where there
24 were five cars parked in this area, including
25 cars parked in the bus stop where the people get

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1 on and off the bus. Not that that many people
2 get on and off the bus at Goldcrest Avenue. The
3 main stop is on Ramsey. But it is still the fact
4 that five cars were there, and it totally blocked
5 the line of view for on-coming cars. And as in
6 any busy intersection or street with a 40 mile
7 speed limit, there's always someone trying to
8 come around the side and be traffic in that right
9 lane. And that's a problem, because they really
10 come racing down 27th Street.

11 Another concern with the cars being - -
12 the front bumper of the cars being right out to
13 the pavement edge where it is paved into the
14 public right-of-way, in the sidewalk area. With
15 the cars being right out to the pavement edge any
16 of his customers, because there's no parking on
17 27th Street, have to park on Goldcrest Avenue.
18 and because they have passengers in the cars,
19 it's usually husband and wife, girlfriend,
20 whatever, there's usually two people in the car.
21 They get out of the - - They park the car
22 sufficient distance away from his cars so that
23 their passenger can get out, thus the cars are
24 out in the middle of the right-of-way and this
25 causes a safety concern. Because if you come off

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1 of 27th Street and all of a sudden you're facing
2 cars out in the roadway and if there's traffic
3 coming the other way, there's a problem.

4 Another thing that has blocked the
5 roadway on Goldcrest and with the cars being out
6 to the pavement edge is he has a race car, which
7 many businesses do. I have a friend who has one.
8 And he parked his - - his trailer for hauling the
9 car, which is a substantial trailer, and the
10 pick-up truck are parked out in the roadway for
11 hours at a time. And this is mostly in the
12 summertime when the racing season is on.

13 His - - What appears to be his main
14 exit and entrance to the used car lot for
15 traffic, people coming in and out to try cars, is
16 right at the end of the curb radius where you
17 turn off of 27th Street and go eastbound on
18 Goldcrest Avenue. The entrance is very close to
19 the end of the radius, so when you come off of
20 27th Street, there is no warning if someone's
21 coming out, if there's cars coming out of there,
22 because there are cars parked along the sidewalk
23 at 27th Street. They're right up to the
24 sidewalk.

25 CHAIRMAN BOHL: Mr. Williams, just - -

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1 just so you're aware. That is not an issue that
2 we ourselves can address here. I mean, that's
3 - - that's a zoning issue. There's - - There's
4 really - - There's dual pass. Just - - As a
5 Chair, I'm going to ask that you just provide - -

6 THE WITNESS: That's - -

7 CHAIRMAN BOHL: No, I understand that.
8 I understand, but that - - that safety issue,
9 when a Board of Zoning Appeals takes an item up,
10 if you've ever seen an application for this, you
11 will see that various departments will render
12 decisions where the Department of Public Works
13 will - - will have a traffic engineer come out
14 and rule on whether or not they believe that
15 there's - - Some of the issues you're talking
16 about are legitimately ones here. That one is
17 not. I just want to be aware of that. So I
18 would ask you just to move on to the next issue.

19 THE WITNESS: I just have a question.
20 The fact that I almost had two accidents because
21 of cars coming out there when they turn off of
22 27th Street, that is not a factor?

23 CHAIRMAN BOHL: I'm not saying that.
24 What I'm telling you the - - the curb cut-out is
25 an issue that has to deal with the zoning,

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1 because it's been addressed here. It's like
2 double jeopardy - -

3 THE WITNESS: No - -

4 CHAIRMAN BOHL: Mr. Williams, you're
5 - - you're not allowing me as the chairperson
6 here to respond to that.

7 THE WITNESS: I'm sorry.

8 CHAIRMAN BOHL: This - - And I'm the
9 creator of this ordinance here. I was the person
10 who sponsored this ordinance to allow residents
11 to come in and actually provide testimony. Prior
12 to a year and a half ago no matter what
13 complaints you had you couldn't personally come
14 in and provide testimony before the committee if
15 you had problems with a used car license. That
16 was my legislation. So, I mean, I'm intimate
17 with it. I know it. I sponsored it. I was the
18 person who - - who had it drafted.

19 But what I'm telling you is is that
20 there - - Yes - - The answer is yes and no. But
21 those items are ruled on by zoning, and this is
22 licensing, and licensing has to deal with certain
23 items that are spoken to in the neighborhood
24 objections, and the neighborhood objections to
25 safety is certainly addressed, but parking is not

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1 specifically addressed in - - in as much. So you
2 got to stay within the confines here. I want
3 that to hold true for everyone here. I'm not
4 taking your - - your issues lightly. I
5 appreciate the very detailed response you've
6 given. I just want to let you know we're on a
7 dual path, and we can't delve into the other area
8 that has - - that - - that the things you're
9 talking about that are addressed in the zoning.

10 THE WITNESS: I understand.

11 CHAIRMAN BOHL: It's a separate issue.
12 And when that comes for rezoning you talk to
13 Alderman Witkowski and he'll raise that issue
14 there - - then and there with DPW. We can't hear
15 it here. Okay.

16 THE WITNESS: Okay.

17 CHAIRMAN BOHL: Thank you. Are there
18 any questions of Mr. Williams at this point by
19 committee members?

20 ALDERMAN GORDON: Mr. Chairman.

21 CHAIRMAN BOHL: Alderman Gordon.

22 ALDERMAN GORDON: Mr. Williams, how
23 long have you resided or done business near
24 Diamond Jim's?

25 THE WITNESS: I first moved to this

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1 area on Ramsey Avenue when I was four years old
2 in 1953 with my parents.

3 ALDERMAN GORDON: And you've lived
4 there since then?

5 THE WITNESS: I have lived there the
6 better part of 51 years. I've seen all the
7 development there.

8 ALDERMAN GORDON: Okay. Have you had
9 any conversations with the proprietor your
10 concerns?

11 THE WITNESS: With the auto dealership?

12 ALDERMAN GORDON: Correct.

13 THE WITNESS: No.

14 ALDERMAN GORDON: Thank you.

15 CHAIRMAN BOHL: Any other questions by
16 committee? Mr. Williams, thank you. Thank you
17 for your testimony. Thanks for - - for your
18 patience. Mr. Coffey, any response.

19 MR. COFFEY: Mister - - Mr. Williams,
20 you've described a rotating steel platform on
21 which a car was displayed.

22 THE WITNESS: Yes.

23 MR. COFFEY: When's the last time you
24 saw that rotating steel platform?

25 THE WITNESS: I believe it was last

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1 summer.
2 MR. COFFEY: It is no longer on the
3 property, to your knowledge.
4 THE WITNESS: It usually appeared in
5 the summer.
6 MR. COFFEY: And you have no
7 recollection of seeing it since this past summer.
8 THE WITNESS: No, sir.
9 MR. COFFEY: Now with respect to the
10 trailer and pick-up you say that's used to haul a
11 race car.
12 THE WITNESS: Yes.
13 MR. COFFEY: Were they parked legally
14 on the street?
15 THE WITNESS: They parked in the
16 roadway. Exactly how far from the roadway edge,
17 I'm not sure.
18 MR. COFFEY: With respect to that
19 roadway edge, you've described Mr. Letizia and
20 his business as having paved or asphalted into
21 the city right-of-way. Correct?
22 THE WITNESS: Yes.
23 MR. COFFEY: Who told you he paved or
24 asphalted into the city right-of-way?
25 THE WITNESS: I am recently retired

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1 from the City of Milwaukee. Worked for
2 infrastructure services for the City of Milwaukee
3 in the transportation section with 35 years of
4 service. In that time, all my 35 years were done
5 in the right-of-way. I started out on the survey
6 crew, surveying the pavement street right-of-
7 ways.

8 MR. COFFEY: Okay. So you're basing
9 this opinion of yours that he's in the public
10 right-of-way on your own observations.

11 THE WITNESS: And my years of
12 experience with the - - the platting within the
13 City of Milwaukee.

14 MR. COFFEY: Are you telling me you
15 know what the plat of this particular lot is?

16 THE WITNESS: I know the street with
17 the 60 feet. The pavement is 30 feet. It's a 15
18 foot sidewalk area. That's all.

19 MR. COFFEY: Okay. If Mr. Letizia and
20 his business had not asphalted the area they
21 asphalted, what would be there?

22 THE WITNESS: I don't know.

23 MR. COFFEY: Any city sidewalk?

24 THE WITNESS: I don't know.

25 MR. COFFEY: Any - - Any edge to the

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1 road?
2 THE WITNESS: And - - And let me
3 clarify that I don't know who paved the surface.
4 All I know is that it is paved.
5 MR. COFFEY: I have nothing further.
6 VICE-CHAIRMAN DAVIS: Thank you,
7 counsel. Sir, can you state - -
8 CHAIRMAN BOHL: And the - - And the
9 people will relinquish your seat once your done
10 providing your testimony, please.
11 VICE-CHAIRMAN DAVIS: State your full
12 name and spell your last name.
13 THE WITNESS: My name is Evan Medina,
14 M-E-D-I-N-A.
15 CHAIRMAN BOHL: And your address, Mr.
16 Medina.
17 THE WITNESS: 2607 West Goldcrest
18 Avenue. That's the east side of Diamond Jim's
19 car dealer.
20 CHAIRMAN BOHL: Please proceed, sir.
21 THE WITNESS: And before I - - I have
22 some concerns, but before I proceed to present
23 you them, I would like to add to - - to the
24 trailer situation that he was describing for the
25 racing car. On - - It's obvious that sometimes

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1 they have used their privileges of parking that
2 trailer, because on occasion I can't get to my
3 driveway. I can't even go east on - - on
4 Goldcrest Avenue. I have to wait there until
5 they remove or finish what they are doing and - -
6 and for no reason I have just to - - to wait
7 until they desire to move the trailer. So that
8 - - that's the only concern I have adding to - -
9 to the trailer situation.

10 But I - - I just want to make clear
11 that I'm not opposed of them having the - - the
12 car dealer there. But the way that they are
13 operating the car dealer, that's my concern. For
14 example, I - - I've been living there for six
15 years now, and - - and my first concern was I
16 never experienced living in - - next to a car
17 dealer, which I - - I would imagine is not the
18 best pleasant situation for any - - anyone. But
19 my situation was that I purchased the house that
20 was available that I purchased at the time.
21 Anyways, I tried - - The first year or the first
22 few months that I was there I experienced
23 something that it concerns me is especially has
24 to be with the safety of my - - of my kids. I
25 have two kids. I have three, but two of them are

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1 very - - One is six years old. The other one is
2 eight years old. I have observed and witnessed
3 people trying to check cars out on the lot,
4 crossing over my property, and I - - On these
5 days I - - I believe that this state of mind are
6 some people are very, very delicate. They are
7 - - They are very evil in having kids around, and
8 I never leave them outside by themselves. I tried
9 to talk to, I believe his name is James Letizia,
10 about putting a fence up so he can separate his
11 business from my - - my property. And I believe
12 that that would solve, not a hundred percent
13 safe, but it would reduce greatly the risk of my
14 kids being - - playing in their own yard. The
15 response I received from him was not - - I agree
16 with Alderman a hundred percent. He was
17 arrogant. What I received from him was the - -
18 the answer that I have more money than you.
19 You're not going to make me put up a fence there.
20 That was - - I - - I didn't know him. I don't
21 know him that well. But that answer told me a
22 little bit about his personality. You don't have
23 to be a genius to figure out that there is a
24 problem right there.
25 Anyways, after time went by I tried to

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1 figure out - - on occasion I tried to talk to him
2 about putting a fence, because - -

3 CHAIRMAN BOHL: Mister - - Mr. Medina,
4 I appreciate that as well, too. But the fence is
5 not an issue before us, and I'll tell you why.

6 THE WITNESS: Okay.

7 CHAIRMAN BOHL: This item will have to
8 go before the Board of Zoning Appeals. We are
9 the licensing committee. The Board of Zoning
10 appeals, you - - you can go to Alderman Witkowski
11 or whatever representative represents the 13th
12 District where you reside, and you can ask the
13 next time it comes before the Board of Zoning
14 Appeals, we, as the area residents, and I, as the
15 alderman representing you, would like to add a
16 condition to the special use permit that a fence
17 be added. This is not the body to do it. Again,
18 I - - I appreciate that - - I know that you're
19 busy and you have a busy day. Please understand
20 that we are already two and a half hours behind
21 our schedule. There are people who were supposed
22 to appear at 1:30 for a hearing, and they - - we
23 haven't even taken lunch break. We're going to
24 be heading out and taking a break. That means
25 that they're going to be waiting an hour and a

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1 half behind. That's not an issue before us. I -
2 - It is - - It is an issue that's a concern, but
3 it - - but there are some things that when
4 there's a problem, you have to go red. There's
5 some things when you have to go green. We're the
6 red. That's an area for green. So that's a
7 separate issue. We're going to ask you to move
8 on. Items specifically that you've seen that are
9 problems here besides the fence. I concur with
10 you that's a concern.

11 THE WITNESS: Sure.

12 CHAIRMAN BOHL: That's an issue before
13 the Board of Zoning Appeals. Your testimony that
14 he - - When you encountered him that he was
15 abrasive is certainly a point here. The fence,
16 we have to move on.

17 THE WITNESS: Okay. Then I'm confused
18 about the snow removal. They have - - They
19 remove the snow towards my property, even though
20 that they have a place where they can pile the
21 snow against the south side. This - - Is that an
22 issue, a valid issue?

23 CHAIRMAN BOHL: Certainly. Have you
24 pointed that out to them at this time?

25 THE WITNESS: Several times.

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1 CHAIRMAN BOHL: Okay.

2 THE WITNESS: Several times.

3 CHAIRMAN BOHL: And - - And I just will
4 let you know one other thing. When they're
5 pushing snow onto your property, 933-4444. It's
6 called the police department non-emergency line,
7 they will come out and ticket them for it. And
8 that also creates a paper trail, so when they
9 appear before this body and the Board of Zoning
10 Appeals, you say, see, they were ticketed for
11 littering snow and I raised it to them. The
12 police department had to go out three times and,
13 therefore, we have a paper trail to show that
14 that occurred. I'm not doubting you here. It's
15 your testimony. That's - - Call the Alderman's
16 office. The Alderman's office will tell you, you
17 call the police department, they will be
18 ticketed. Go on, please, with your testimony.

19 ALDERMAN DAVIS: And also take photos,
20 if you may.

21 THE WITNESS: What about the lights,
22 lighting - -

23 CHAIRMAN BOHL: Board of Zoning - -
24 Board of Zoning Appeals issue.

25 THE WITNESS: Is that a legitimate one?

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1 CHAIRMAN BOHL: That is a legitimate
2 issue before the other body, not ours.

3 THE WITNESS: Okay. That they - - They
4 can rearrange or they can - -

5 CHAIRMAN BOHL: Frankly, they ought to
6 work with area residents, and that would be
7 working with the alderman on those issues, as
8 well, too. It's just not pertinent to this body.
9 I agree. That that - - That is a legitimate
10 concern.

11 THE WITNESS: I'm going to move on.
12 What about the very late night noise, especially
13 with - -

14 CHAIRMAN BOHL: Absolutely ours.

15 THE WITNESS: - - the car racing.

16 CHAIRMAN BOHL: Absolutely ours.

17 THE WITNESS: Okay. That's another
18 concern, that - - that I have. And these are
19 things that they can work with us, but - -

20 CHAIRMAN BOHL: When you - - When you
21 see the racing, are they with individuals who are
22 coming to this establishment to purchase autos or
23 are - -

24 THE WITNESS: No, no. No, we are
25 talking about ten - 10:30, almost - - at times 11

00031

1 o'clock at night, and - -

2 CHAIRMAN BOHL: I just want to - -

3 Pardon me. I just want to determine, are these
4 people who are just driving down the street on
5 27th Street that are racing, or are these people
6 that are specifically coming to this
7 establishment or from this establishment?

8 THE WITNESS: No. They - - It's
9 because I guess that the - - the race is the next
10 day, let's say. They are just fine tuning the
11 motor in their establishment. They have a shop,
12 and they are doing those mechanical final tune-
13 ups in their - - in their shop.

14 ALDERMAN WITKOWSKI: Mr. Chairman, if I
15 could interrupt, you're talking about a race car.
16 Diamond Jim sponsored race car.

17 CHAIRMAN BOHL: Okay. And, Alderman,
18 just - - just so - - just so you're aware, and -
19 - and I mean, I - - I suspect that you may have
20 or may have not had neighborhood meetings. If
21 this item comes up in the future, I mean, there
22 has to be distinctions that are raised between
23 what legitimately can come before this body and
24 what may not. If there are late night hour
25 operation, you can go and have DNS or the police

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1 department, now that this is a licensed matter,
2 come out and cite them, and again, let's get the
3 police - - let's get the paper trail of naughty-
4 naughties on the list. So, I mean, I - - The
5 concerns are certainly legitimate and the
6 neighborhood testimony is legitimate, but if we
7 can have an additional body, a legal body in the
8 City of Milwaukee, have the legal paper trail,
9 that's like gold.

10 ALDERMAN WITKOWSKI: Excuse me, Mr.
11 Chairman. I also have asked for citations to be
12 written and there's no paper trail when I asked
13 the police department for that number of
14 citations written at that location. So it's not
15 necessarily a done deal, even if the alderman
16 makes - -

17 CHAIRMAN BOHL: Certainly.

18 ALDERMAN WITKOWSKI: - - a call and
19 requests a citation be written.

20 CHAIRMAN BOHL: I agree.

21 ALDERMAN WITKOWSKI: There was no
22 report today.

23 CHAIRMAN BOHL: Yeah, you're - - You're
24 - - I know that that happens, Alderman. Follow
25 up with it, that Captain. Mister - - Mr. Medina,

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1 anything else?

2 THE WITNESS: My last concern is about
3 park - - parking cars are for sale on - - not
4 commercial property, like in front of my house.

5 CHAIRMAN BOHL: They're parking - -

6 THE WITNESS: And leaving them
7 sometimes overnight.

8 CHAIRMAN BOHL: Okay. And that is
9 certainly illegal. Are there questions by
10 committee?

11 MR. SCHRIMPF: Mr. Chair.

12 CHAIRMAN BOHL: Mr. Schrimpf.

13 MR. SCHRIMPF: Thank you. These cars
14 that are parked for sale, how do you know they're
15 coming from Diamond Jim's?

16 THE WITNESS: License plate says,
17 "Diamond Jim's."

18 MR. SCHRIMPF: The plate says, "Diamond
19 Jim's?"

20 THE WITNESS: And I have witnessed them
21 removing the cars from my - - the front of my
22 property.

23 MR. SCHRIMPF: Do you know what a
24 dealer plate is? If you see a dealer plate, do
25 you know what that is?

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1 THE WITNESS: Oh, yeah. Yeah.

2 MR. SCHRIMPF: Do these cars have

3 dealer plates on them?

4 THE WITNESS: Yes. Diamond Jim's.

5 MR. SCHRIMPF: That's all I have.

6 CHAIRMAN BOHL: Other questions by

7 committee? Mr. Coffey?

8 MR. COFFEY: Sir, have you ever called

9 the police department about any vehicles parked

10 in front of your car to have them ticketed?

11 THE WITNESS: Yes, sir.

12 MR. COFFEY: And were any tickets ever

13 issued that you know of?

14 THE WITNESS: I believe so. I don't

15 follow through with all the detail.

16 CHAIRMAN BOHL: Mr. Coffey, if I may

17 interject, the police department does very little

18 in terms of - - of - - The police department, you

19 may not understand, Mr. Coffey, and please - -

20 please let me finish. I'm - -

21 MR. COFFEY: I know - - I understand.

22 CHAIRMAN BOHL: I'm the one holding the

23 gavel, Mr. Coffey. Please.

24 MR. COFFEY: I understand.

25 CHAIRMAN BOHL: The police department

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1 in the City of Milwaukee - - The - - The parking
2 checkers are the ones that do 98 percent of the
3 parking enforcement. In fact, under Arthur
4 Jones, when - - when he was not happy that the
5 police department was pulled from the - - from
6 the umbrella, or the parking checkers were pulled
7 from the umbrella of the police department, he
8 put his hands in the water with a little soap and
9 said wash his hands of it, and that's why the
10 Common Council expanded the parking checkers.
11 They're a distinction. If you want to say, did
12 he call the police department or did he call the
13 Department of Public Works parking checkers,
14 overnight parking portion, there's a distinction.
15 You said police department. The police
16 department, I'm going to tell you if you call the
17 police department, they're not going to respond
18 to the parking checker situation. The parking
19 checkers is the Department of Public Works.
20 That's my clarification. Thank you.

21 MR. COFFEY: And I understand, but have
22 you called the police department?

23 THE WITNESS: Yes, I have.

24 MR. COFFEY: And you don't know what
25 they did.

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1 THE WITNESS: According with one
2 policeman got back to me, in fact, I called
3 especially with the issues that he was talking
4 about, the - - the gentleman before me, or that
5 he - - he was making comments that - - that cars
6 were parked near 27th Street by the curb and were
7 obstructing the visibility of the people that
8 were trying to get on 27th Street. In fact, I
9 can tell you that my wife was very close to
10 getting to an accident.

11 MR. COFFEY: Okay. But, sir - -

12 THE WITNESS: And I did call and they
13 - - They removed the cars for about three - four
14 days. They started putting one at a time and - -
15 and taller yet, the SUVs that you couldn't see.
16 You have to approach real, real - - That's very
17 good of you. I'm going to just act like you.

18 CHAIRMAN BOHL: No.

19 MR. COFFEY: When is the - -

20 CHAIRMAN BOHL: No. No. No. No.

21 MR. COFFEY: Okay.

22 CHAIRMAN BOHL: No, Mr. Coffey. That
23 means be quiet, please.

24 MR. COFFEY: Okay.

25 CHAIRMAN BOHL: One at a time. The

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1 antics, the - - and the rebuttal addressed to
2 that, will cease.

3 THE WITNESS: I'm sorry.

4 CHAIRMAN BOHL: Both - - From both of
5 you will cease. We've been very patient here
6 since 8:30 and I've reiterated - - reiterated
7 that over and over again, Mr. Coffey. And we've
8 continued to that time. And - - And I'm going to
9 allow your point, to raise your - - any cross-
10 examination questions that you have that are
11 legitimate. But, when we both start yelling at
12 once, this - - this young woman here has a very
13 difficult time to get blurb, blurb, blurb, blurb,
14 back and forth. She wants one person speaking,
15 one person addressing a question, and we don't
16 need the antics. Thank you. And I'm not going
17 to - - And I will not take any questions - - any
18 comments relating to that. I will allow you to
19 ask him, proceed with a question to him, and that
20 is it. Thank you.

21 MR. COFFEY: When is the last time you
22 called anyone at the city, police department,
23 neighborhood services, or anyone else to complain
24 about anything going on at the car lot?

25 THE WITNESS: I believe it was last

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1 year.
2 MR. COFFEY: When?
3 THE WITNESS: I don't recall exactly
4 the date. I didn't write it down.
5 MR. COFFEY: What part of the year was
6 it?
7 THE WITNESS: Towards the summer.
8 MR. COFFEY: And what was your
9 complaint last summer?
10 THE WITNESS: Park - - Cars parked near
11 27th Street by the curb where you could - - when
12 you were approaching 27th Street from Goldcrest
13 going west, you couldn't see the - - the - -
14 oncoming cars.
15 MR. COFFEY: All right. In terms of
16 this loud racing that you described in the shop
17 late at night, when is the last time that
18 happened?
19 THE WITNESS: Last year, summer, again.
20 MR. COFFEY: Summer.
21 THE WITNESS: Between probably June
22 until August or the - - the first part of
23 September.
24 MR. COFFEY: June until August or
25 September of 2003.

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1 THE WITNESS: Yes, sir.

2 MR. COFFEY: Not 2002.

3 THE WITNESS: That was, also, 2002.

4 MR. COFFEY: You're certain it happened

5 in 2003.

6 THE WITNESS: That's correct.

7 MR. COFFEY: And this trailer parking

8 that you've described earlier in terms of the

9 racing car, did that also happen in 2003?

10 THE WITNESS: Yes, more than one

11 occasion.

12 MR. COFFEY: Now you've described snow
13 removal. Do you agree with me that the - - that
14 if you go along the west boundary of your
15 property, there is approximately one-half of your
16 lot that is an equal height as that of the car
17 lot?

18 THE WITNESS: I'm sorry. I don't
19 understand what you are - -

20 MR. COFFEY: You think about the west
21 property line of your lot. And start at the
22 south end of your lot, as you come north is
23 approximately one-half - - is the one-half of
24 that lot about five feet above the level of the
25 lot at Diamond Jim's?

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1 THE WITNESS: Not - - It is not five
2 feet.

3 MR. COFFEY: Is there a gully on - -
4 Is - -

5 THE WITNESS: It's probably one feet to
6 two feet about.

7 MR. COFFEY: Your lot - - I'm sorry.
8 Go ahead.

9 THE WITNESS: Measuring roughly from
10 the Goldcrest going south you will be like
11 probably about half of the - - of the size of
12 their - - of the lot, that is about two feet or
13 less higher than my property.

14 MR. COFFEY: But the part of the
15 Diamond Jim lot that is lower than your lot is
16 approx - - approximately the southern half of the
17 distance of your lot line. Correct?

18 THE WITNESS: That is correct. That's
19 the one that they don't utilize. They - - They
20 just park cars, used cars, or wrecked cars on
21 that lot.

22 MR. COFFEY: And then there is a part
23 of the lot that is equal in height with yours,
24 which is where the cars are displayed.

25 THE WITNESS: That's correct.

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1 MR. COFFEY: And that would be the
2 northern half of the lot line.

3 THE WITNESS: That's correct.

4 MR. COFFEY: And along that portion
5 that is even with your lot, if you start at the
6 street, there is a wooden light pole. Correct?
7 Power pole?

8 THE WITNESS: Yes.

9 MR. COFFEY: And next to that is the
10 dumpster area used by Diamond Jim's?

11 THE WITNESS: That's correct.

12 MR. COFFEY: And so there are - - There
13 are two dumpsters parked, one next to the other
14 at that location.

15 THE WITNESS: Yes.

16 MR. COFFEY: And then as you go further
17 south there are automobiles parked up against
18 your lot line. Correct?

19 THE WITNESS: Yes.

20 MR. COFFEY: And so, this snow that's
21 being piled on your property is being piled how
22 - - there how in light of the dumpers and the
23 automobiles parked at that location?

24 THE WITNESS: That's very simple to
25 figure out. They remove the cars and plow the

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1 lot against my property.

2 MR. COFFEY: Against your property.

3 THE WITNESS: Against my property, yes.

4 MR. COFFEY: And there is no divider,
5 whatsoever, between your property and the - - and
6 the Diamond Jim property. Is that right?

7 THE WITNESS: That's correct. That's
8 why I was asking for the fence before.

9 MR. COFFEY: And with respect to the
10 fence, in fact, Mr. Letizia, James Letizia
11 offered to pay for one-half of the fence, didn't
12 he?

13 THE WITNESS: Yes, he wanted me to put
14 up the fence, and he was going to supply me with
15 half of the - - of the material cost.

16 MR. COFFEY: And the fence, in your
17 mind, is only for the purpose of keeping your
18 children out of his lot. Is that right?

19 THE WITNESS: No. You - - You changed
20 that. It's keeping strangers from the Diamond
21 Jim lot coming into my property. My kids doesn't
22 go to his property.

23 CHAIRMAN BOHL: I want to avoid the
24 fence issue. That's a Board of Zoning Appeals
25 issue, and I - -

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1 MR. COFFEY: I have nothing further.

2 CHAIRMAN BOHL: Thank you. Ma'am. And
3 what I want to just say, again, for those who are
4 present, because we've said it before, if you
5 start agreeing substantially with the park - -
6 just say, "I agree substantially with the cars
7 that are parked, issue." We don't need to hear
8 from four and five people. It's on the record.
9 If you substantially agree with previous
10 testimony, we would ask for brevity that - - that
11 you would indicate so. Anything that's new and
12 substantial that you have personally witnessed,
13 and, sir, if once you're finished if you could
14 relinquish the seat. Ma'am, your name and
15 address, please.

16 THE WITNESS: My name is Mary Barrett.
17 And I live at 2280 West Goldcrest. And I've
18 lived there for 27 years.

19 CHAIRMAN BOHL: Please proceed. Thank
20 you.

21 THE WITNESS: In my dealings with
22 Diamond Jim's Used Car Lot go back several years,
23 as far back as '95 - '96, and I don't want to
24 duplicate anything, but I have pictures that I
25 took, and what they did was - -

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1 CHAIRMAN BOHL: Mrs. Barrett, I just
2 want to say - -

3 THE WITNESS: They have - - They have
4 parked cars.

5 CHAIRMAN BOHL: Pardon me. I
6 apologize. They are licensed for a two year
7 period. Any testimony we hear must be within
8 that licensed frame two years. So if you are
9 talking about testimony of pictures you took four
10 years ago - five years ago - -

11 THE WITNESS: No, I'm not.

12 CHAIRMAN BOHL: - - we can't take that.
13 I just wanted - - Because you had mentioned your
14 problems go back four or five years, I just want
15 to clarify that. Thank you. I apologize.

16 THE WITNESS: And if you want paper
17 trail, I called the police so many times they got
18 tired of coming. They said well, who else is
19 complaining. Because the cars were parked on
20 both sides of the street. It was difficult to
21 get through our street down onto 27th Street.
22 And that's what I took pictures of. I spoke to
23 them - - to James in the beginning when he was
24 there, and he was totally uncooperative. And I
25 have spoken to his son, who seemed to cooperate

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1 at times, and other times he didn't. But the
2 cars being parked impeding traffic is bad. And
3 when my husband's last illness, we - - I had to
4 call 9-1-1 at times, and I was very fearful that
5 an ambulance might need to come through there and
6 would not be able to get through. And I even
7 talked to them about traffic being able to get in
8 and out of there.

9 CHAIRMAN BOHL: Thank you, Mrs.
10 Barrett. Questions from committee for Mrs.
11 Barrett? Mr. Coffey?

12 MR. COFFEY: When did you last talk to
13 Mister - - James Letizia?

14 THE WITNESS: This gentleman came to my
15 house in August of this past year, extremely
16 upset, saying that I had caused him all this
17 trouble, and he had gotten enormous amounts of
18 parking tickets down there. And I said well, I
19 did not do that by myself. There were other
20 neighbors that were complaining, also.

21 MR. COFFEY: Now, I asked when did you
22 last speak to James Letizia?

23 THE WITNESS: James Letizia would have
24 been '96, I think.

25 MR. COFFEY: And do you know how long

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1 Mr. Letizia has operated the business on that
2 corner?

3 THE WITNESS: I've been there 27 and a
4 half years. Before that there was a dealership
5 called Car King, and they were very good people.
6 They didn't bother anybody. I - - I don't know.
7 Maybe ten - 12 years. I don't know how long it's
8 been there.

9 MR. COFFEY: How about 20 years? Is
10 that a possibility?

11 THE WITNESS: No. I don't think so.

12 MR. COFFEY: It's not?

13 THE WITNESS: No. I don't think
14 they've been there 20 years, no.

15 MR. COFFEY: And you say cars impede
16 traffic. You're talking about cars being parked
17 on Goldcoast. Is that right?

18 THE WITNESS: On Goldcrest in the
19 street. In the street. Not on the verge. In
20 the street.

21 MR. COFFEY: What parking is allowed by
22 the city on Goldcrest?

23 THE WITNESS: Well, at - - At one time
24 there was a two hour parking there, and they - -
25 that sign got removed. So I don't know what

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1 other - - I think there still is a two hour
2 parking limit. I'm not certain about that,
3 because we don't park in the street there.
4 People have driveways.

5 MR. COFFEY: But is - - Are there any
6 signs that you're aware of in the area that say
7 parking is prohibited on Goldcrest as you get to
8 the one block preceding 27th Street?

9 THE WITNESS: Legal parking? I don't
10 know anything about that. I would think that if
11 the - - If traffic can't progress through,
12 there's something going wrong.

13 CHAIRMAN BOHL: Mrs. Barrett, he just
14 asked if you were aware of a sign being there?

15 THE WITNESS: I don't know that. There
16 was a sign. I don't know if it's still there.

17 CHAIRMAN BOHL: Presently, it's not, to
18 your knowledge. Correct? Mrs. Barrett?
19 Presently, to your knowledge, the sign is not
20 there, presently.

21 THE WITNESS: I don't know.

22 CHAIRMAN BOHL: Okay.

23 THE WITNESS: I don't have - - I don't
24 know what parking regulations are there.

25 CHAIRMAN BOHL: Right. He just asked

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1 if you saw - - if you drove by right now, to your
2 knowledge when you came here today, was a sign
3 there, prohibiting parking?

4 THE WITNESS: I'm not - - I don't know,
5 and I'm not - - I'm not objecting to legal
6 parking.

7 CHAIRMAN BOHL: Okay. Mr. Coffey,
8 we're just going to move on.

9 MR. COFFEY: I understand. Mrs.
10 Barrett, the McDonald's business immediately to
11 the south of Diamond Jim's has recently been
12 remodeled. Correct?

13 THE WITNESS: No, it was - - It was
14 built. I don't think it's been remodeled.

15 MR. COFFEY: Okay. It was built.
16 Correct?

17 THE WITNESS: Yes.

18 MR. COFFEY: And since that McDonald's
19 has opened, have you noticed an increase in
20 vehicular traffic on Goldcoast - - Goldcrest as
21 it comes east from 27th Street?

22 THE WITNESS: No. Because it's - -
23 It's not on my street. It's on Ramsey,
24 McDonald's is.

25 MR. COFFEY: How far - - Am I right

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1 that your house is approximately four blocks east
2 of 27th Street and four blocks east of the
3 Diamond Jim lot.
4 THE WITNESS: No, you're wrong.
5 MR. COFFEY: It wouldn't be the first
6 time. You gave an address of 2280. Correct?
7 THE WITNESS: Yes. And isn't that two
8 blocks.
9 MR. COFFEY: I'm asking you. That's
10 all I'm - -
11 THE WITNESS: It's two blocks.
12 MR. COFFEY: Okay. So you're two
13 blocks - -
14 THE WITNESS: Well, yeah, 22 - - Well,
15 I'm on the corner. 2280, that's Goldcrest. I'm
16 on the corner of 23rd Street.
17 MR. COFFEY: Okay. And if we go to
18 27th Street, that would be four blocks.
19 THE WITNESS: There's no through
20 street. Yeah, it's two blocks
21 MR. COFFEY: I have nothing further.
22 CHAIRMAN BOHL: Thank you. Thank you,
23 Mrs. Barrett. Anyone else?
24 THE WITNESS: My name is Joyce Overeem,
25 O-V, as in Victor, E-R-E-E-M, as in mother. I'm

00050

1 at 2323 West Goldcrest Avenue. I'm on the same
2 side of the street as the car lot. And I concur
3 with things that the other people have said.

4 But my other complaint is he parks
5 cars, in fact, he had one car parked right on the
6 corner of 27th and Goldcrest, and he was hanging
7 over onto the public sidewalk. And I happened to
8 notice an elderly man pushing his wife in a
9 wheelchair looking across the street, because
10 they always walk down that street, and there was
11 no way this man could get through there, because
12 the car was parked there, and he was actually
13 blocking the wheelchair ramp to the sidewalk.

14 CHAIRMAN BOHL: Was anyone in the
15 vehicle at the time, Mrs. Overeem?

16 THE WITNESS: No, this was a vehicle
17 for sale.

18 CHAIRMAN BOHL: Just parked.

19 THE WITNESS: In fact, it was like an
20 SUV.

21 CHAIRMAN BOHL: Okay.

22 THE WITNESS: And he also parks them in
23 the driveway approach that is on 27th Street.

24 CHAIRMAN BOHL: Okay. I'm going to
25 follow up, same question that Assistant City

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1 Attorney asked before, your knowledge of that
2 these are, indeed, the - - the cars from - -
3 coming from Diamond Jim's?

4 THE WITNESS: He has a red license
5 plate on it that says Diamond Jim's.

6 CHAIRMAN BOHL: Okay.

7 THE WITNESS: And you can't mistake
8 them.

9 CHAIRMAN BOHL: Thank you. Any other
10 testimony you have?

11 THE WITNESS: No. Just that when you
12 come down 27th Street and want to make a right-
13 hand turn up Goldcrest, it's very difficult with
14 those cars, you know, when he had them pulled up
15 to the street. When he had all the used cars
16 parked there. Like the people were saying, they
17 - - his customers would come and park there, and
18 you'd come to turn the corner, and I'm surprised
19 there hasn't been an accident down there. And
20 when we're going down Goldcrest towards 27th
21 Street with his cars parked out between the road
22 and the sidewalk on 27th, it's impeding our
23 vision to see the cars that are coming up, going
24 north on 27th Street. And there's a 40 mile
25 speed limit there. So those cars are clipping

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1 down there.

2 CHAIRMAN BOHL: Sure. Thank you.

3 Thank you, Mrs. Overeem. Questions by committee?

4 Mr. Coffey?

5 MR. COFFEY: I have no questions.

6 CHAIRMAN BOHL: Thank you, Mrs.

7 Overeem. Thank you for your patience, as well,

8 too.

9 THE WITNESS: I'm Supervisor Holter
10 from Department of Public Works, Parking
11 Enforcement.

12 CHAIRMAN BOHL: I would ask you if you
13 substantially agree what I stated, but I'm not
14 going to go that far here in terms of that was my
15 own personal editorial and opinion. So.

16 THE WITNESS: I missed that part. I'm
17 sorry.

18 CHAIRMAN BOHL: The - - The whole
19 parking checker scenario here.

20 THE WITNESS: Oh. Yeah, I - - I
21 immediately put that out of my mind, so.

22 CHAIRMAN BOHL: Okay, good.

23 THE WITNESS: That was an interesting
24 time. I am here at the request of the alderman.
25 The question I expected would come up of what did

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1 we do and how did we respond. And what I can say
2 is that the meeting that Alderman Witkowski had,
3 I believe he said it was in August.

4 ALDERMAN WITKOWSKI: Yes.

5 THE WITNESS: I did hold off
6 enforcement for a day to give him an opportunity
7 to talk with the business owner, and the next day
8 he told me to go ahead and - - and go ahead and
9 issue the citations as they would be legitimate.
10 The citations that were issued involved cars
11 parked too close to the crosswalk area, cars that
12 were parked on the sidewalk area. That was the
13 majority of the ones that I can recall that we
14 dealt with.

15 CHAIRMAN BOHL: Thank you, Ms. Holter.
16 Questions by committee?

17 MR. SCHRIMPF: Mr. Chairman?

18 CHAIRMAN BOHL: Mr. Schrimpf.

19 MR. SCHRIMPF: Contained in the
20 materials that I think went out with this note.
21 I guess I would have to compare this with Mr.
22 Coffey's are three pages, and I'm showing them to
23 you now, and I'm also wanting counsel to see
24 them, and I believe they recite complaint numbers
25 181656, 186288, 197847 and 198344. Is that

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1 correct?
2 THE WITNESS: That is correct.
3 MR. SCHRIMPF: What do these documents
4 indicate, if anything?
5 THE WITNESS: These indicate public
6 calls that came in, requesting service in that
7 area, and it was indicate what type of service
8 was requested and what our response was.
9 MR. SCHRIMPF: Okay. Take me through
10 complaint number 181656, move please from the
11 right, I'm sorry - -
12 THE WITNESS: Okay.
13 MR. SCHRIMPF: From the left to the
14 right, starting under the column, "complainant,"
15 and tell me what I'm looking at here.
16 THE WITNESS: Okay. The complaint
17 number, and then the dates that it came in.
18 MR. SCHRIMPF: That's August 7th, 2003.
19 THE WITNESS: That's correct.
20 MR. SCHRIMPF: Okay.
21 THE WITNESS: And what time it came in.
22 Is it urgent, is something that we use in our
23 department to prioritize the dispatches of these
24 complaints.
25 MR. SCHRIMPF: All right.

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1 THE WITNESS: And then the type of
2 complaint. In this case it was a request from
3 the alderman's office.
4 MR. SCHRIMPF: Okay.
5 THE WITNESS: And as such, then the
6 customer would be the person calling. Because it
7 came to me, I was the customer listed.
8 MR. SCHRIMPF: Holter, Jennifer.
9 That's you?
10 THE WITNESS: Correct.
11 MR. SCHRIMPF: Okay.
12 THE WITNESS: And then along with the
13 contact number to contact me. This is for the
14 parking checker's use.
15 MR. SCHRIMPF: Okay.
16 THE WITNESS: And then the address of
17 the violation.
18 MR. SCHRIMPF: And that would be 2600
19 West Goldcrest Avenue.
20 THE WITNESS: Correct.
21 MR. SCHRIMPF: Okay. Now it says, in
22 the column vehicle it says, "License none, make
23 unknown, model truck color white."
24 THE WITNESS: Um-hnh.
25 MR. SCHRIMPF: If a car is unlicensed,

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1 what does that indicate to you?

2 THE WITNESS: It indicates to me as a
3 parking checker that we have to get an I.D. off
4 that vehicle one way or another.

5 MR. SCHRIMPF: And how do you do that?

6 THE WITNESS: We get the vehicle number
7 off the dashboard, usually.

8 MR. SCHRIMPF: Would that be the VIN
9 number?

10 THE WITNESS: The VIN number, correct.

11 MR. SCHRIMPF: And does that indicate
12 that this vehicle could be up for sale as it's
13 unlicensed?

14 THE WITNESS: That is one possibility.
15 There are several possibilities. And our first
16 thought when we see a vehicle without plates is
17 that it is stolen.

18 MR. SCHRIMPF: Okay.

19 THE WITNESS: And then we - - we
20 proceed to the other things that we check for.

21 MR. SCHRIMPF: On any of these where we
22 have license, "UNK," meaning unknown, I'm
23 assuming.

24 THE WITNESS: Um-hnh.

25 MR. SCHRIMPF: Or none. Were you able

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1 to determine if any of these cars were stolen?
2 THE WITNESS: On this group?
3 MR. SCHRIMPF: On this group.
4 THE WITNESS: None of these vehicles
5 were - -
6 MR. COFFEY: Can I just, so the
7 record's clear, I don't believe Ms. Holter had
8 anything to do with the other two sheets.
9 MR. SCHRIMPF: Is that true?
10 THE WITNESS: They would have called
11 - - been called by citizens.
12 MR. SCHRIMPF: Okay. And would these
13 be documents kept in the ordinary conduct of
14 business?
15 THE WITNESS: They are kept in a
16 computer file.
17 MR. SCHRIMPF: All right. And are you
18 the supervisor of this entire operation?
19 THE WITNESS: No, I am the supervisor
20 of the day shift parking checkers.
21 MR. SCHRIMPF: Okay. Did - - And these
22 would not necessarily have come in on day shift.
23 Is that right?
24 THE WITNESS: That is correct.
25 MR. SCHRIMPF: Okay. Let's continue on

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1 with one - - 181656. What do we have after that?
2 THE WITNESS: Okay. Let's see. After
3 the model was a truck, and the color was white,
4 then it's entered by. This indicates that I'm
5 the one who entered it into the computer.
6 MR. SCHRIMPF: Okay.
7 THE WITNESS: What time I entered it.
8 I'm sorry. What time that it was dispatched at.
9 MR. SCHRIMPF: All right.
10 THE WITNESS: That was - - referred to.
11 MR. SCHRIMPF: All right.
12 THE WITNESS: That was sent out in the
13 overnight.
14 MR. SCHRIMPF: All right.
15 THE WITNESS: And then it was checked
16 for, it would be essentially either a night
17 parking violation or a heavy truck parked
18 unattended.
19 MR. SCHRIMPF: Okay.
20 THE WITNESS: Next is indicated which
21 parking checker checked that, and what time they
22 declared it resolved.
23 MR. SCHRIMPF: And what does a
24 resolution mean?
25 THE WITNESS: It means that they are

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1 done with that assignment and they have left the
2 scene.

3 MR. SCHRIMPF: Does resolved mean that
4 they - - Is a possible resolution a ticketing?

5 THE WITNESS: Yes.

6 MR. SCHRIMPF: Okay. And do you know
7 whether or not this vehicle was ticketed?

8 THE WITNESS: According to the record
9 it was.

10 MR. SCHRIMPF: Do we know the citation
11 number?

12 THE WITNESS: No, we do not.

13 MR. SCHRIMPF: Okay. And then the rest
14 is simply the response time.

15 THE WITNESS: Correct.

16 MR. SCHRIMPF: Okay. The document that
17 I have before you for each of these complaint
18 numbers, 181656, 186288, 197847, and 188344, I
19 understand that you may not have been the
20 individual involved in each one of these. Is
21 that right?

22 THE WITNESS: Correct.

23 MR. SCHRIMPF: Except the first one.

24 THE WITNESS: Except the first one.

25 MR. SCHRIMPF: All right. But these

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1 are documents that are kept in the ordinary
2 conduct of business that reflect activity of the
3 parking office for the City of Milwaukee. Is
4 that correct?

5 THE WITNESS: Correct.

6 MR. SCHRIMPF: Are you able to
7 ascertain from any of these documents whether or
8 not this vehicle was actually owned by or put on
9 the street by Diamond Jim's?

10 THE WITNESS: No.

11 MR. SCHRIMPF: So we have this
12 information, but we don't really know who the
13 owner of that vehicle was.

14 THE WITNESS: Correct.

15 MR. SCHRIMPF: That's all I have.

16 CHAIRMAN BOHL: Thank you, Mr.
17 Schrimpf. Other questions by committee. Mr.
18 Coffey?

19 MR. COFFEY: Ms. Holter, am I correct,
20 when - - It's marked here as licensed none - -
21 none and make unknown, are those entries you made
22 as a consequence of the alderman's call?

23 THE WITNESS: Yes, that would be it.

24 MR. COFFEY: I mean, once a parking
25 checker goes out and sees the vehicle, issues a

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1 citation, a make of the vehicle would be known.

2 THE WITNESS: Correct.

3 MR. COFFEY: And there's nothing filled
4 in here as to who the registered owner of that
5 vehicle was.

6 THE WITNESS: No. This is basically a
7 dispatch log.

8 MR. COFFEY: So that even if we were to
9 look at the other two computer generated reports
10 referred to by the city attorney, we are not able
11 to discern who the registered owner of any of
12 those vehicles are.

13 THE WITNESS: Correct.

14 MR. COFFEY: I have nothing further.

15 CHAIRMAN BOHL: Is there anyone else
16 who is here to testify in opposition to this
17 matter present? Thank you. Thank you, Ms.
18 Holter.

19 What we're going to do is because we do
20 not have the applicant here before us, we are
21 going to hold this item to the Call of the Chair.
22 We'll take it at the next available licensed
23 hearing. Those individuals who may come forward
24 to testify in support can come back at that time
25 to do that. And, Mr. Coffey, you will be

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1 provided additional transcripts, as will
2 committee members, from these - - from the
3 dialog. I'm going to either count on - - on Ms.
4 Elmer and - - and to get prompt transcripts from
5 this proceeding to Mr. Coffey and to committee
6 members and make certain that it is in our book
7 for next time.

8 With that, Alderman Davis will move to
9 hold this item to the Call of the Chair. Is
10 there any objection to that? Hearing none, so
11 ordered.

12 For those of you who have just come in,
13 we're going to extend an apology. We've been
14 going continuously since 8:30 this morning. We
15 have not had any break. I have not had a lunch
16 break, our type - - Our transcription person has
17 not had any break, whatsoever. We apologize that
18 these things come forward, but we're delayed
19 considerably by at least two hours. We're going
20 to ask for a 15 minute recess. Our 1:30 agenda
21 will start at approximately three o'clock.

22 Committee members, for those of you who
23 have eaten, we're starting immediately at three
24 o'clock. Then I will call the Sergeant at Arms
25 to drag you in. This applies to the City

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1 Attorney, as well.

2 * * * * *

3 STATE OF WISCONSIN)

4 MILWAUKEE COUNTY)

5

6 I, JEAN M. BARINA, of Milwaukee Reporters
7 Associated, Inc., do certify that the foregoing
8 transcript was reduced to writing under my direction
9 and that it is a true and accurate transcription of
10 the Utilities and Licenses Hearing held on February
11 18, 2004.

12

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JEAN M. BARINA - COURT REPORTER

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Dated this day of February, 2004

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