

JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

June 3, 2005

To the Honorable, the Common Council

Dear Members:

Re: Common Council File 050091

Recommendation of nonrenewal, based upon the Department of Neighborhood Services and Police Department reports, of the licensed dwelling facility license for the Parkay Hotel located at 1570 W. National Ave. in the 12th Aldermanic District of the City of Milwaukee.

With regard to the item listed above, the Utilities and Licenses Committee held an evidentiary hearing on May 31st 2005.

Pursuant to section 275-20-9-g, Milwaukee Code of Ordinances, the Committee is transmitting a copy of its Report and Recommendations, regarding the above matter to your Honorable Body.

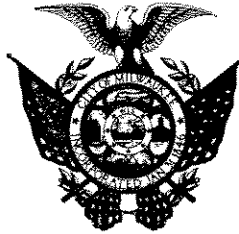
Pursuant to City Ordinances, prior to the time the Common Council acts on the Committee's Report, a **roll call vote will be taken** to confirm that all members present and voting have read the Committee's Report and any objections that have been filed by the Licensee.

These matters have been scheduled for a hearing before the full Common Council at its meeting on **Tuesday, June 14, 2005** at 9:00 A.M. in the Common Council Chambers.

Respectfully,


James N. Witkowiak, Chair
Utilities & Licenses Committee

cc: All Council Members
CCF 050091



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

Date: June 2, 2005

To: All Members of the Milwaukee Common Council

From: Utilities and Licenses Committee

Re: Report on the renewal application of the licensed dwelling facility of Milwaukee Parkway, LLC, Dean Stanley, agent, d/b/a the Parkay Hotel at 1570 West National Avenue in the City and County of Milwaukee, Wisconsin.

FINDINGS OF FACT

1. Milwaukee Parkway, LLC, Dean Stanley, agent, (hereinafter the "Licensee") is the owner of a licensed dwelling facility located at 1570 West National Avenue in the City and County of Milwaukee, Wisconsin ("Parkay Hotel"). Said license expires at midnight on June 30, 2005.
2. An application to renew said license was filed with the Department of Neighborhood Services on March 17, 2005.
3. Pursuant to Chapter 275.20 of the Milwaukee Code of Ordinances the matter was referred to the Milwaukee Police Department, the Commissioner of Health, the Commissioner of the Department of Neighborhood Services, and the local alderman for investigation.
4. On April 28, 2005 the Chief of Police filed a complaint seeking non-renewal of said license. On April 29, 2005 Ronald W. Roberts, Supervisor Commercial Fire Inspection Division on behalf of the Commissioner of the Department of Neighborhood Services filed a formal objection to the renewal of the license of the licensee. On May 4, 2005 Mr. Stanley was invited to a hearing of the Utilities and Licenses Committee to be held on May 31, 2005 at 4:00 p.m. in Room 301B of Milwaukee City Hall, 200 East Wells Street, Milwaukee, Wisconsin for a hearing on the objections to renewals of the Milwaukee Police Department and the Department of Neighborhood Services. A copy of the objections filed by the Milwaukee Police Department and the Department of Neighborhood Services was included with a copy of the invitation to hearing. On May 31, 2005 the licensee appeared and admitted receipt of the invitation and notice for a hearing, together with a copy of the complaint of the Milwaukee Police Department and the objections of the Department of Neighborhood Services. The licensee was not represented by counsel.
5. Based upon the sworn testimony heard and evidence received at the hearing, the Committee renders the following findings of fact:

- A. Between July 7, 2004 and February 15, 2005, twenty-nine individuals were issued municipal citations on twenty-two different dates for offenses of loitering which constituted nineteen, public drinking, which constituted six, disorderly conduct which constituted five, assault and battery which constituted two, trespassing which constituted one, resisting and obstructing an officer which constituted one, and hindering the issuance of a citation which constituted one.
- B. Between July 5, 2004 and April 18, 2005 there were 89 calls for services to the location of 1570 West National Avenue. A break-down of those calls for services reveal that 33 were trouble with a subject, 15 were battery, 7 were subject with a weapon, 2 were threats, 1 was an indecent exposure, 1 was strong-arm robbery, 3 were theft, 6 were injured/sick person, 5 were for 911 abuse, 4 were for fights, 1 was for drug dealing, and 15 miscellaneous calls for police service.
- C. The Milwaukee Police Department Vice Control Division reported that on January 26, 2005, the manager of the Parkay Hotel called and reported, "Constant drug dealing in Room 32."
- D. On September 29, 2004, the Commanding Officer of the 2nd District, Captain Andrea Williams, notified Dean Stanley of Milwaukee Parkway, LLC Hotel that the property at 1570 West National Avenue was in danger of becoming a chronic nuisance because based upon 61 nuisance-related calls for police service to the property between January 25 and July 8, 2004 and 3 calls for police service between September 2 and September 27, 2004. Since October 8, 2004, there were 70 calls for police service to the location.
- E. The Milwaukee Police Department reports the problems at the location of 1570 West National Avenue in the City and County of Milwaukee, Wisconsin ("Parkay Hotel") have persisted over the years despite the claim of Mr. Stanley that he is attempting to address the problems in connection with the operation of the hotel.
- F. An inspection of the licensed premises at 1570 West National Avenue in the City and County of Milwaukee, Wisconsin revealed Order No. 004975631 consisting of 29 code violations which were required to be completed within 30 days of service of the order. The Order No. 004975631 dealt with violations of the electrical code found on the property.
- G. Order No. 004977171 dealt with 13 fire code violations basically dealing with missing or inoperable smoke detectors throughout the licensed premises.
- H. Order No. 004977172 dealt with 3 violations, 2 which regarded fire prevention and one of which dealt with sanitary maintenance.
- I. Order No. 004977173 dealt with 194 various building violations, all of which related to the building maintenance health and welfare of the residents of the structure.
- J. Order No. 004977961 dealt with 18 plumbing violations on the premises of 1570 West National Avenue in the City and County of Milwaukee, Wisconsin.

- K. Order No. 004980001 dealt with 8 building violations dealing with the heating system and building code violations.
- L. Order No. 004980002 dealt with a defective heating system.
- M. Order No. 004983451 for the premises at 1570 West National Avenue in the City and County of Milwaukee, Wisconsin dealt with 20 fire code, building code, and license regulation violations.
- N. Order No. 004983451, is an order listing violations that had reoccurred within an 18-month period. The order number that reflected those same violations was Order No. 004431002 and Order No. 004431001.
- O. Order No. 004977171 dealing with smoke detectors reoccurred within eighteen months on Order No. 004431002.
- P. Order No. 004431002, violation No. 9, dealt with posting of evacuation routes for fires in the hotel. The most recent order dealing with fire evacuation routes is Order No. 004983451, violation No. 13, dealing with fire evacuation routes. Order No. 004431002 was first issued on March 18, 2004. Order No. 004983451 was again issued on April 15, 2005.
- Q. Order No. 004431001 dealing with smoke detectors was first issued on March 18, 2004. Order No. 004977171 dealing with smoke detectors was reissued on April 15, 2005. Thus, Order No. 004977171 was reissued within eighteen months of Order No. 00431001.
- R. Order No. 004431001 dealing with recharging and servicing fire extinguishers was originally issued on March 18, 2004. Order No. 004983451 dealing with recharging fire extinguishers was reissued on April 15, 2005, within eighteen months of order No. 004431001.
- S. Order No. 004431001 dealing with extension cords and issued on March 18, 2004 was reissued as Order No. 004983451 on April 15, 2005, within eighteen months of Order No. 004431001.

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 275-20 of the Milwaukee Code of Ordinances.
2. The criteria for building maintenance in 275-20-e-5 provides:

"The licensed dwelling facility is in violation of this code or has had separate orders to correct violations issued on substantially the same code violations within an 18-month period."

The criteria for building maintenance in 275-20-e-7 provides:

"The licensed building, structure or licensed dwelling facility does not conform or has not conformed in all respects to the building and zoning code, the Wisconsin Administrative Code, and all other ordinances, laws and lawful orders relating to the construction, maintenance, use or occupancy of such building, structure or premises.

The criteria for building maintenance in 275-21-6 provides:

"6. EVACUATION PLAN. The operator of a hotel or motel shall, prior to the letting of any hotel or motel unit, post a fire evacuation plan approved by the fire department on the interior of every unit entry door."

3. Based upon the above facts found, the Committee concludes that the licensee, Milwaukee Parkway, LLC, Dean Stanley, as agent for licensed dwelling premises at 1570 West National Avenue in the City and County of Milwaukee, Wisconsin, ("Parkay Hotel") has not met the criteria of Chapter 275-20, 275-21, and 275-21-6 of the Milwaukee Code of Ordinances to allow renewal of his licensed dwelling facility license. The Committee finds the police objection and the objection of the Department of Neighborhood Services to be true.
4. In order to protect the health safety and welfare of the citizens of the City of Milwaukee, it is recommendation of the Utilities and Licenses Committee that the full Common Council of the City of Milwaukee exercise its discretion to not renew the licensed dwelling facility license of Milwaukee Parkway, LLC, Dean Stanley, agent, for the licensed premises at 1570 West National Avenue in the City and County of Milwaukee, Wisconsin ("Parkay Hotel") for the danger that its continued operation poses to the citizens of the City of Milwaukee.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes and zero (0) noes, recommends that the licensed dwelling facility license of Milwaukee Parkway, LLC, Dean Stanley, agent, for license premises located at 1570 West National Avenue in the City and County of Milwaukee, Wisconsin ("Parkay Hotel") be not renewed.

Dated and signed at Milwaukee, Wisconsin this 2nd day of June, 2005.



JAMES N. WITKOWIAK

JAMES N. WITKOWIAK
Chairman of the Utilities
and Licenses Committee



Office of the City Clerk

June 2, 2005

Ronald D. Leonhardt
City Clerk

Carolyn Hill Robertson
Deputy City Clerk

Dean Stanley
Milwaukee Parkway, LLC
2627 N. Richmond St.
Chicago, IL 60647

Nancy Nicholson
1570 W. National Ave.
Milwaukee, WI 53204

Milwaukee Parkway, LLC
National Registered Agents
Registered Agent
901 S. Whitney Way
Madison, WI 53711

Dear Mr. Stanley, Ms. Nicholson and Milwaukee Parkway, LLC:

You are hereby notified that the Milwaukee Common Council will hold a hearing on June 14, 2005 commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council Chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin 53202 to consider your Licensed Dwelling Facility renewal application for the premises located at 1570 W. National Avenue, Milwaukee, Wisconsin ("Parkay Hotel").

Attached you will find a copy of the Report of the Utilities and Licenses Committee which includes their Findings of Fact, Conclusions of Law and Recommendation, recommending nonrenewal of the Licensed Dwelling Facility renewal application. The recommendation is the result of a public hearing before the Committee held on May 31, 2005, the Department of Neighborhood Services report and the police report.

You may file a written objection to the Report of the Utilities and Licenses Committee and shall have the opportunity to present arguments in writing supporting that objection to the Common Council. Any written objections to the Committee's Report must be filed with the City Clerk at least two (2) days prior to the above-mentioned date set for hearing by the Common Council. You or a legal representative may also appear at the Common Council meeting and request an opportunity to address the Common Council for approximately five (5) minutes to present an oral argument on your own behalf.

Very truly yours,


RONALD D. LEONHARDT
City Clerk

cc: Dept. of Neighborhood Services
CCF 050091