



City of Milwaukee
Meeting Minutes
JUDICIARY & LEGISLATION
COMMITTEE

City Hall
200 East Wells Street
Milwaukee, WI 53202

ALD. MICHAEL S. D'AMATO, CHAIR
Ald. Ashanti Hamilton, Vice-Chair
Ald. Robert Bauman, Ald. Michael Murphy, Ald. James Bohl, Jr.

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File Specialist: Joanna Polanco, 286-3926, E-mail: jpolan@milwaukee.gov

Monday, December 3, 2007

1:30 PM

Room 301-B, City Hall

Meeting convened: 1:38 P.M.

Present 4 - Hamilton, Bauman, Murphy, Bohl

Excused 1 - D'Amato

The Judiciary and Legislation Committee may convene into closed session at 1:30 P.M. on Monday, December 3, 2007 in Room 301-B, City Hall, 200 E. Wells St., Milwaukee, Wisconsin, pursuant to s. 19.85(1)(g), Wis. Stats., for the purpose of conferring with the City Attorney who is rendering advice concerning strategy to be adopted by the City with respect to Item #1...Resolution to approve the settlement agreement in the matter of Ayman Khatib v. City of Milwaukee; Item #2...Resolution to approve the settlement agreement in the matter of Ganos Company, Inc. v. City of Milwaukee; and Item #3...Resolution authorizing the settlement of the claim of Fire Lieutenant Gregory A. Marris and then will go into open session for the regular agenda.

Ald. Bauman moves that the Judiciary and Legislation Committee convene into closed session for the purpose of conferring with the City Attorney who is rendering advice concerning strategy to be adopted by the City with respect to Item #1...Resolution to approve the settlement agreement in the matter of Ayman Khatib v. City of Milwaukee; Item #2...Resolution to approve the settlement agreement in the matter of Ganos Company, Inc. v. City of Milwaukee; and Item #3...Resolution authorizing the settlement of the claim of Fire Lieutenant Gregory A. Marris and then will go into open session for the regular agenda.

Roll call:

Ayes: Ald. Bauman, Ald. Bohl, Ald. Murphy and Ald Hamilton - 4

Individuals present:

Miriam Horwitz and Katherine Block - City Attorney's Office

Chris Martin - Emerging Business Enterprises Program

Roll call taken at 1:42 P.M.

Present 5 - D'Amato, Hamilton, Bauman, Murphy, Bohl

1. [071041](#) Resolution to approve the settlement agreement in the matter of Ayman Khatib v. City of Milwaukee.

A motion was made by ALD. D'AMATO that this Resolution be RECOMMENDED FOR ADOPTION. The motion PREVAILED by the following vote:

Aye 5 - D'Amato, Hamilton, Bauman, Murphy and Bohl

No 0

2. [071116](#) Substitute resolution to approve the settlement agreement in the matter of Ganos Company, Inc. v. City of Milwaukee, et al, United States District Court for the Eastern District of Wisconsin, Case Number 07-CV-686.

A motion was made by ALD. D'AMATO that this Resolution be RECOMMENDED FOR ADOPTION. The motion PREVAILED by the following vote:

Aye 4 - D'Amato, Hamilton, Murphy and Bohl

No 1 - Bauman

3. [071044](#) Resolution authorizing settlement of the claim of Fire Lieutenant Gregory A. Marris.

A motion was made by ALD. BOHL that this Resolution be RECOMMENDED FOR ADOPTION. The motion PREVAILED by the following vote:

Aye 5 - D'Amato, Hamilton, Bauman, Murphy and Bohl

No 0

2:00 P.M.

4. [070977](#) Substitute resolution authorizing and directing the City Attorney, on behalf of the City, to sign onto an amicus brief being coordinated by the Legal Community Against Violence in connection with the U.S. Supreme Court's anticipated review of District of Columbia v. Heller, relating to the District's laws banning most handgun possession by residents, provided that upon review of the amicus brief, the City Attorney determines that it is consistent with the intent of the Common Council expressed in this resolution.

Individuals present:
Terry Perry - Intergovernmental Relations
Katherine Block - City Attorney's Office

Proposed Substitute A accepted.

A motion was made by ALD. MURPHY that this Resolution be SUBSTITUTED. The motion PREVAILED by the following vote:

Aye 5 - D'Amato, Hamilton, Bauman, Murphy and Bohl

No 0

A motion was made by ALD. MURPHY that this Resolution be RECOMMENDED FOR ADOPTION. The motion PREVAILED by the following vote:

Aye 3 - Hamilton, Bauman and Murphy

No 1 - Bohl

Excused 1 - D'Amato

5. [070924](#) Substitute resolution relative to various legislative bills.

This item was taken up out of order at 2:35 P.M.

Individuals present:

Terry Perry, Jennifer Gonda and Paul Vornholt - Intergovernmental Relations

Dan Alexander - Homeland Security Director

Vince Moschella - City Attorney's Office

Ald. D'Amato moves for opposition to AB 581. Prevailed. 4-1 (Ald. Bohl voting "no")

Ald. Murphy moves for support of AB-580/SB-329. Prevailed. 5-0

Ald. D'Amato moves for opposition to SB-309/AB-569. Prevailed. 5-0

Ald. D'Amato for for support of SJR-27. Prevailed. 5-0

A motion was made by ALD. D'AMATO that this Resolution be SUBSTITUTED. The motion PREVAILED by the following vote:

Aye 5 - D'Amato, Hamilton, Bauman, Murphy and Bohl

No 0

070924

Substitute resolution relative to various legislative bills.

A motion was made by ALD. D'AMATO that this Resolution be RECOMMENDED FOR ADOPTION. The motion PREVAILED by the following vote:

Aye 5 - D'Amato, Hamilton, Bauman, Murphy and Bohl

No 0

6. 071135

Resolution supporting introduction and passage of legislation by the Wisconsin Legislature authorizing adoption of municipal ordinances that permit the impoundment of vehicles operated in violation of cruising-related and other specified ordinances.

A motion was made by ALD. MURPHY that this Resolution be RECOMMENDED FOR ADOPTION. The motion PREVAILED by the following vote:

Aye 5 - D'Amato, Hamilton, Bauman, Murphy and Bohl

No 0

7. 070890

Substitute resolution authorizing the return of real estate located at 2342 N. 2nd St., in the 6th Aldermanic District to its former owner upon payment of all city and county tax liens and any special improvement bonds, with all interest and penalty thereon and all costs as sustained by the City in foreclosing and managing said real estate. (Fred Stein)
Owner must pay \$729 in board-up fees, \$861.94 in nuisance abatement charges, \$1,025 in nuisance reinspection fees and \$1,075 in zoning reinspection fees prior to the December 11th Common Council meeting.

A motion was made by ALD. D'AMATO that this Resolution be RECOMMENDED FOR ADOPTION. The motion PREVAILED by the following vote:

Aye 5 - D'Amato, Hamilton, Bauman, Murphy and Bohl

No 0

8. 071033

Substitute resolution authorizing the return of real estate located at 124 W. Hadley St., in the 6th Aldermanic District to its former owner upon payment of all city and county tax liens and any special improvement bonds, with all interest and penalty thereon and all costs as sustained by the City in foreclosing and managing said real estate. (Akann

Hinkle as personal representative of the heir of the estate of Earnestine Myers)

A motion was made by ALD. D'AMATO that this Resolution be RECOMMENDED FOR ADOPTION. The motion PREVAILED by the following vote:

Aye 5 - D'Amato, Hamilton, Bauman, Murphy and Bohl

No 0

9. [070770](#)

Substitute resolution authorizing the return of real estate located at 2767-2769 N. 13th St., in the 15th Aldermanic District to its former owner upon payment of all city and county tax liens and any special improvement bonds, with all interest and penalty thereon and all costs as sustained by the City in foreclosing and managing said real estate. (Anthony McNeail)

Owner must pay \$275 in zoning reinspection charges and \$3,000 in nuisance reinspection fees prior to the December 11th Common Council meeting.

A motion was made by ALD. D'AMATO that this Resolution be RECOMMENDED FOR ADOPTION. The motion PREVAILED by the following vote:

Aye 5 - D'Amato, Hamilton, Bauman, Murphy and Bohl

No 0

10. [070888](#)

Substitute resolution authorizing the return of real estate located at 3057 N. 6th St., in the 6th Aldermanic District to its former owner upon payment of all city and county tax liens and any special improvement bonds, with all interest and penalty thereon and all costs as sustained by the City in foreclosing and managing said real estate. (Herman Presswood and Shirley Bergeron)

A motion was made by ALD. D'AMATO that this Resolution be RECOMMENDED FOR ADOPTION. The motion PREVAILED by the following vote:

Aye 5 - D'Amato, Hamilton, Bauman, Murphy and Bohl

No 0

11. [070886](#)

Substitute resolution authorizing the return of real estate located at 3009 N. 29th St., in the 7th Aldermanic District to its former owner upon payment of all city and county tax liens and any special improvement bonds, with all interest and penalty thereon and all costs as sustained by the City in foreclosing and managing said real estate. (Nadir Mustafa)

Owner must pay \$3,300 in reinspection fees and \$750 in recording enforcement fees prior to the December 11th Common Council meeting.

A motion was made by ALD. D'AMATO that this Resolution be RECOMMENDED FOR ADOPTION. The motion PREVAILED by the following vote:

Aye 5 - D'Amato, Hamilton, Bauman, Murphy and Bohl

No 0

12. [071110](#)

Resolution applying a refund for interest and penalty charges paid by John Moore related to the return of real estate located at 4216 N. Sherman Blvd., in the 7th Aldermanic District.

This was held at 3:25 P.M. and reconsidered later in the meeting.

A motion was made by ALD. D'AMATO that this Resolution be RECOMMENDED FOR ADOPTION. The motion PREVAILED by the following vote:

Aye 5 - D'Amato, Hamilton, Bauman, Murphy and Bohl

No 0

13. [071051](#) Substitute resolution providing for continuance of deferred payment of assessments for worthy indigent resident property owners and appropriating funds for this purpose with the City cost to be \$664.98 with a six-year total of the deferred properties being \$8,980.27.

A motion was made by ALD. BAUMAN that this Resolution be RECOMMENDED FOR ADOPTION. The motion PREVAILED by the following vote:

Aye 5 - D'Amato, Hamilton, Bauman, Murphy and Bohl

No 0

14. [071052](#) Substitute resolution providing granting of deferred payments of the special assessment for Diane Moore, 5021 North 47th Street, in the 1st Aldermanic District, and appropriating funds for this purpose with the 2007 payment of \$187.12, with a six-year total of \$1,144.15.

A motion was made by ALD. BAUMAN that this Resolution be RECOMMENDED FOR ADOPTION. The motion PREVAILED by the following vote:

Aye 5 - D'Amato, Hamilton, Bauman, Murphy and Bohl

No 0

15. [071017](#) Substitute resolution to settle claim of Cermele & Associates for defense of various police officers.

A motion was made by ALD. D'AMATO that this Resolution be RECOMMENDED FOR ADOPTION. The motion PREVAILED by the following vote:

Aye 5 - D'Amato, Hamilton, Bauman, Murphy and Bohl

No 0

16. [070885](#) Resolution authorizing the Office of the City Attorney to resolve various Municipal Court cases through permanent stay of the forfeiture or dismissal.

A motion was made by ALD. D'AMATO that this Resolution be RECOMMENDED FOR ADOPTION. The motion PREVAILED by the following vote:

Aye 4 - D'Amato, Hamilton, Bauman and Murphy

No 1 - Bohl

Items below will be heard no earlier than 2:30 P.M.:

17. [071113](#) Resolution relating to an appeal from Gina Juniel for property damage. (9th Aldermanic District)

A motion was made by ALD. BAUMAN that this Resolution be RECOMMENDED FOR DISALLOWANCE & INDEF. POSTPONEMENT. The motion PREVAILED by the following vote:

Aye 5 - D'Amato, Hamilton, Bauman, Murphy and Bohl

No 0

18. [070778](#) Substitute resolution relating to an appeal from Veronica Junior for property damage.

Grant in the amount of \$943.42.

A motion was made by ALD. D'AMATO that this Resolution be SUBSTITUTED. The motion PREVAILED by the following vote:

Aye 5 - D'Amato, Hamilton, Bauman, Murphy and Bohl

No 0

- [070778](#) Substitute resolution relating to an appeal from Veronica Junior for property damage.

A motion was made by ALD. D'AMATO that this Resolution be RECOMMENDED FOR ADOPTION. The motion PREVAILED by the following vote:

Aye 5 - D'Amato, Hamilton, Bauman, Murphy and Bohl

No 0

19. [070896](#) Resolution relating to an appeal from Robert Walters for property damage. (3rd Aldermanic District)

*Individuals present:
Claimant and Robert Kalupa*

A motion was made by ALD. BAUMAN that this Resolution be RECOMMENDED FOR DISALLOWANCE & INDEF. POSTPONEMENT. The motion PREVAILED by the following vote:

Aye 5 - D'Amato, Hamilton, Bauman, Murphy and Bohl

No 0

20. [071034](#) Resolution relating to an appeal from Ibrahim Hamad for the cutting of grass and weeds. (6th Aldermanic District)

A motion was made by ALD. BOHL that this Resolution be RECOMMENDED FOR DISALLOWANCE & INDEF. POSTPONEMENT. The motion PREVAILED by the following vote:

Aye 5 - D'Amato, Hamilton, Bauman, Murphy and Bohl

No 0

21. [071029](#) Resolution relating to an appeal from Sharon McCoy-Hunt for loss of property. (1st Aldermanic District)

A motion was made by ALD. D'AMATO that this Resolution be RECOMMENDED FOR DISALLOWANCE & INDEF. POSTPONEMENT. The motion PREVAILED by the following vote:

Aye 4 - D'Amato, Bauman, Murphy and Bohl

No 1 - Hamilton

22. [070983](#) Resolution relating to the claim of Anthony and Shannon Duke on behalf of Cody Duke and Juan Cannizzaro for personal injuries and property damage.

A motion was made by ALD. BAUMAN that this Resolution be RECOMMENDED FOR DISALLOWANCE & INDEF. POSTPONEMENT. The motion PREVAILED by the following vote:

Aye 5 - D'Amato, Hamilton, Bauman, Murphy and Bohl

No 0

23. [071031](#) Resolution relating to the claim of Casey and Terri Bentley for property damage. (2nd Aldermanic District)

A motion was made by ALD. D'AMATO that this Resolution be RECOMMENDED FOR ADOPTION. The motion PREVAILED by the following vote:

Aye 5 - D'Amato, Hamilton, Bauman, Murphy and Bohl

No 0

24. [071048](#) Resolution authorizing payment of the claim of Gregory Simerlein, in the amount of \$16,000.

A motion was made by ALD. D'AMATO that this Resolution be RECOMMENDED FOR ADOPTION. The motion PREVAILED by the following vote:

Aye 5 - D'Amato, Hamilton, Bauman, Murphy and Bohl

No 0

25. [071049](#) Resolution authorizing payment of the claim of Scott McGrury, in the amount of \$25,000.00

A motion was made by ALD. BOHL that this Resolution be RECOMMENDED FOR ADOPTION. The motion PREVAILED by the following vote:

Aye 5 - D'Amato, Hamilton, Bauman, Murphy and Bohl

No 0

Meeting adjourned: 4:14 P.M.

Linda M. Elmer

Staff Assistant

This meeting can be viewed in its entirety in the web-casting archives found at www.milwaukee.gov/channel25.