



Office of the City Clerk
Council Services Division

Ronald D. Leonhardt
City Clerk

Anthony J. Zielinski
Manager

June 17, 2002

Katz Children's Trust
316 E. Silver Spring Dr.
Whitefish Bay, WI 53217

Dear Sir/Madam:

You are hereby notified that the Milwaukee Common Council will hold a hearing on June 25, 2002, commencing at 9:30 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 to consider your rooming house license renewal application for the premises at 2537 N. Farwell Avenue.

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 renewal of the rooming house license. The recommendation is the result of a public hearing before the Committee held on June 14, 2002.

You or a representative may 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.

Respectfully,

Anthony Zielinski for
RONALD D. LEONHARDT
City Clerk

BDS/ml:54638
Enclosure

Date: June 14, 2002

To: All Members of the Milwaukee Common Council

From: Utilities and Licenses Committee

Re: Report on the May 29, 2002 evidentiary hearing conducted relative to the complaint filed by Alderman Michael D'Amato requesting non-renewal of the rooming house license of Katz Children's Trust (Katz Properties) for the property located at 2537 North Farwell Avenue, in the City and County of Milwaukee, Wisconsin.

FINDINGS OF FACT

1. Katz Children's Trust/Katz Properties (hereinafter "the Licensee" is the holder of a rooming house license for the property located at 2537 North Farwell Avenue, in the City and County of Milwaukee, Wisconsin. The license is subject to annual renewal, and expires at midnight on June 30, 2002.
2. The Licensee filed an application with the City of Milwaukee Department of Neighborhood Services for a renewal of the rooming house license for the property located at 2537 North Farwell Avenue. The application was filed on March 15, 2002.
3. A sworn "complaint," dated and filed March 25, 2002 in the form of a letter from Alderman Michael D'Amato, was filed with the Office of the City Clerk. The complaint sought non-renewal of the rooming house license for the following reasons: An extensive history of violations and service requests, complaints from neighbors, and noise nuisance citations received by tenants of the property.
4. Pursuant to section 275-20-9-b of the Milwaukee Code of Ordinances (hereinafter "MCO"), on May 21, 2002, the Office of the City Clerk mailed a notice to appear to the Licensee, Katz Properties, informing of the hearing to be held on Wednesday, May 29, 2002, at 9:00 a.m., in room 301-A of City Hall, said hearing to be heard by Attorney David Borowski, and to take testimony and render Findings of Fact and Conclusions of Law to the Utilities and Licenses Committee relative to the application for the property located at 2537 North Farwell Avenue, in the City and County of Milwaukee.
5. The Licensee was served with the notice to appear, acknowledged receipt of the notice and complaint, and the Licensee appeared with counsel at the hearing. (Transcript pp. 38-39).
6. On June 12, 2002 the Licensee and objector was sent a copy of the Report and Recommendation of a Hearing examiner appointe pursuant to § 275-20(9)(f) of the Milwaukee Code of Ordinances and on June 14, 2002 at 10:00 a.m., the Committee held a hearing on the examiner's recommendation.

7. Based upon the sworn testimony of the parties and witnesses, along with the evidence received at the hearing, the Utilities and Licenses Committee finds the following:
- A. The Licensee owns the rooming house property located at 2537 North Farwell Avenue, in the City and County of Milwaukee, Wisconsin.
 - B. The Licensee, through Katz Properties, owns several other properties in and around Milwaukee, Wisconsin and is experienced in the management of residential properties.
 - C. The complainant did introduce evidence of certain violations at the subject property, in the form of a printed list of various violations. However, it appears that only two of the violations occurred in the course of the last year of renewal of the rooming house license at this property.
 - D. There was not any testimony introduced at the hearing regarding whether any of the violations at the subject property, were more, less or about the same in number and nature of the violations as compared to similar properties, or other rooming houses, in the City of Milwaukee.
 - E. Three citizen witnesses testified at the hearing in this matter: Cathy Stone of 2230 East Bradford, Al Chapin of 2551 North Prospect Avenue, and Mr. Robin M. Wyman of 2542 North Farwell Avenue.
 - F. The testimony provided by the citizens was regarding general problems inherent in the neighborhood in which the property at 2537 North Farwell Avenue is located. The citizens indicated that they could not identify that problems in the neighborhood (parking, noise, litter, etc.) could be attributed to activities of residents, or guests of residents, of the property. (Transcript pp. 7, pp. 20-25, pp. 30-36).
 - G. Evidence was introduced at the hearing regarding the issuance of noise nuisance citations for violations of the noise nuisance ordinance Section 80-6(4), MCO. These citations were issued at the property. Evidence was also introduced by the Licensee that each of the persons given a noise nuisance citation that was a tenant of the property has been either evicted or no longer lives at the property.
 - H. The Department of Neighborhood Services appeared by Karen Jacobs. She indicated that there are no open orders to code violations on the property at this time. As such, the Department of Neighborhood Services does not object to the renewal of the license. (Transcript pp. 49-50).
 - I. The City of Milwaukee Police Department did not appear at the hearing and has not filed any notice of an objection regarding the renewal of the rooming house license for the subject property.

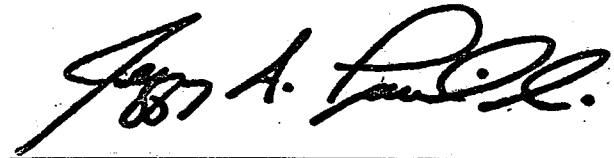
CONCLUSIONS OF LAW

1. The Committee has jurisdiction to conduct evidentiary hearings and provide Findings of Fact, Conclusions of Law, and a recommendation to the Common Council for the City of Milwaukee pursuant to Chapter 275-20-9-g, MCO.
2. The causes for revocation, suspension and/or non-renewal of rooming house licenses is set forth in the Milwaukee Code of Ordinances Chapter 275-20(7)(q).
3. Based upon the above facts, the Utilities & Licenses Committee concludes that the licensed dwelling facility has been operated in accordance with the relevant ordinances.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes to zero (0) noes, recommends that the rooming house license for the premises located at 2537 North Farwell Avenue, in the City and County of Milwaukee, Wisconsin should be renewed.

Dated and signed at Milwaukee, Wisconsin this 14th day of June, 2002.



JEFFREY PAWLINSKI
Chairman of the Utilities
And Licenses Committee



Office of the City Clerk
Council Services Division

Ronald D. Leonhardt
City Clerk

Anthony J. Zielinski
Manager

June 17, 2002


To: Complaints of the rooming house application renewal at 2537 N. Farwell Ave.
Ald. Michael D'Amato, City Hall, Rm. 205 Milwaukee, WI 53202

You are hereby notified that the Milwaukee Common Council will hold a hearing on June 25, 2002, commencing at 9:30 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 to consider your rooming house license renewal application.

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 renewal of the rooming house license. The recommendation is the result of a public hearing before the Committee held on June 14, 2002.

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 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.

Respectfully,


RONALD D. LEONHARDT
City Clerk

BDS/ml:54638
Enclosure

Date: June 14, 2002

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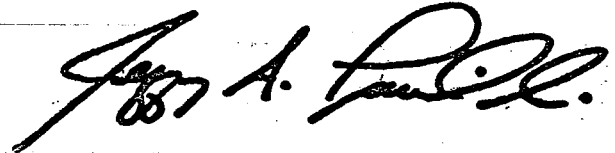
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JEFFREY PAWLINSKI
Chairman of the Utilities
And Licenses Committee