



City of Milwaukee

200 E. Wells Street
Milwaukee, Wisconsin
53202

Meeting Minutes ADMINISTRATIVE REVIEW APPEALS BOARD

JENNIFER HAVAS, CHAIR
Donald Fraker, Vice-Chair
Martin Collins, Daniel Lee, Christopher Strohhahn (Alternate),
and Ald. Terry Witkowski

Staff Assistant, Linda Elmer, 286-2232
Fax: 286-3456, lelmer@milwaukee.gov

Tuesday, October 5, 2010

1:00 PM

Room 301-B, City Hall

Meeting convened: 1:05 P.M.

Present: 4 - Collins, Witkowski, Fraker, Lee

Excused: 2 - Havas, Strohhahn

Overview by the Dept. of Neighborhood Services and the City Attorney's Office relating to three new Dept. of Neighborhood Services special charges

Individuals present:

Ron Roberts - Dept. of Neighborhood Services

Jay Unora - City Attorney's Office

Dave Krey - Dept. of Neighborhood Services

Roll call taken at 1:34 P.M.

Present: 5 - Collins, Witkowski, Havas, Fraker, Lee

Excused: 1 - Strohhahn

1. **10148** Appeal of Reyes Esparza for vacant building inspection fees. (1625 W. Lincoln Avenue) (13th Aldermanic District)

Sponsors: THE CHAIR

**A motion was made by Daniel Lee, seconded by Martin Collins, that this
APPEAL be GRANTED. This motion PREVAILED by the following vote:**

Aye: 5 - Collins, Witkowski, Havas, Fraker, and Lee

No: 0

Excused: 1 - Strohhahn

2. 10163 Appeal of Steve Nikolas, agent for 3116 Downer, LLC for unable to gain access fees. (3116 N. Downer Avenue) (3rd Aldermanic District)

Sponsors: THE CHAIR

This appeal was heard by the City of Milwaukee's Administrative Review Appeals Board at the date and place listed above. The Board's decision in this matter is recorded below. The Board's decision may be appealed by commencing an action in the Circuit Court of Milwaukee County no later than thirty (30) days from October 6, 2010. The phone number for general information for the Court is (414) 278-4120.

A motion was made by Martin Collins, seconded by Daniel Lee, that this APPEAL be DENIED as the city followed proper procedures. This motion PREVAILED by the following vote:

Aye: 5 - Collins, Witkowski, Havas, Fraker, and Lee

No: 0

Excused: 1 - Strohhahn

3. 10166 Appeal of Sandra Higgins, agent for U.S. Bank for vacant building inspection fees. (4001 W. Capitol Drive) (7th Aldermanic District)

Sponsors: THE CHAIR

This appeal was heard by the City of Milwaukee's Administrative Review Appeals Board at the date and place listed above. The Board's decision in this matter is recorded below. The Board's decision may be appealed by commencing an action in the Circuit Court of Milwaukee County no later than thirty (30) days from October 6, 2010. The phone number for general information for the Court is (414) 278-4120.

A motion was made by Donald Fraker, seconded by Daniel Lee, that this APPEAL be DENIED as the city followed proper procedures. This motion PREVAILED by the following vote:

Aye: 5 - Collins, Witkowski, Havas, Fraker, and Lee

No: 0

Excused: 1 - Strohhahn

1:30 P.M.

4. 10133 Appeal of John Heuler for board-up fees. (5167 N. Lovers Lane Road) (5th Aldermanic District)

Sponsors: THE CHAIR

This appeal was heard by the City of Milwaukee's Administrative Review Appeals Board at the date and place listed above. The Board's decision in this matter is recorded below. The Board's decision may be appealed by commencing an action in the Circuit Court of Milwaukee County no later than thirty (30) days from October 6, 2010. The phone number for general information for the Court is (414) 278-4120.

A motion was made by Martin Collins, seconded by Donald Fraker, that this APPEAL be DENIED as the city followed proper procedures. This motion PREVAILED by the following vote:

Aye: 5 - Collins, Witkowski, Havas, Fraker, and Lee

No: 0

Excused: 1 - Strohhahn

5. 10137 Appeal of Michael Mack, Agent for Vernon Townsend for board-up fees. (2452 W. Martin Luther King Jr., Drive) (6th Aldermanic District)

Sponsors: THE CHAIR

This appeal was heard by the City of Milwaukee's Administrative Review Appeals Board at the date and place listed above. The Board's decision in this matter is recorded below. The Board's decision may be appealed by commencing an action in the Circuit Court of Milwaukee County no later than thirty (30) days from October 6, 2010. The phone number for general information for the Court is (414) 278-4120.

A motion was made by Donald Fraker, seconded by Daniel Lee, that this APPEAL be DENIED based upon non-appearance despite being provided timely notice of the hearing. This motion PREVAILED by the following vote:

Aye: 5 - Collins, Witkowski, Havas, Fraker, and Lee

No: 0

Excused: 1 - Strohhahn

1:45 P.M.

6. 10155 Appeal of Angelica and Miguel Gomez for board-up fees. (2000 W. Greenfield Avenue) (12th Aldermanic District)

Sponsors: THE CHAIR

This appeal was heard by the City of Milwaukee's Administrative Review Appeals Board at the date and place listed above. The Board's decision in this matter is recorded below. The Board's decision may be appealed by commencing an action in the Circuit Court of Milwaukee County no later than thirty (30) days from October 6, 2010. The phone number for general information for the Court is (414) 278-4120.

A motion was made by Donald Fraker, seconded by Martin Collins, that this APPEAL be DENIED based upon non-appearance despite being provided timely notice of the hearing. This motion PREVAILED by the following vote:

Aye: 5 - Collins, Witkowski, Havas, Fraker, and Lee

No: 0

Excused: 1 - Strohhahn

7. 10120 Appeal of Mohammed Rashaed, Agent for First Property Development for board-up fees. (4620 W. Hale Place) (7th Aldermanic District)

Sponsors: THE CHAIR

This appeal was heard by the City of Milwaukee's Administrative Review Appeals Board at the date and place listed above. The Board's decision in this matter is

recorded below. The Board's decision may be appealed by commencing an action in the Circuit Court of Milwaukee County no later than thirty (30) days from October 6, 2010. The phone number for general information for the Court is (414) 278-4120.

A motion was made by ALD. WITKOWSKI, seconded by Donald Fraker, that this APPEAL be DENIED based upon non-appearance despite being provided timely notice of the hearing. This motion PREVAILED by the following vote:

Aye: 5 - Collins, Witkowski, Havas, Fraker, and Lee

No: 0

Excused: 1 - Strohbehn

A motion was made by ALD. WITKOWSKI, seconded by Daniel Lee, that this APPEAL be RECONSIDERED. This motion PREVAILED by the following vote:

Aye: 5 - Collins, Witkowski, Havas, Fraker, and Lee

No: 0

Excused: 1 - Strohbehn

A motion was made by ALD. WITKOWSKI, seconded by Daniel Lee, that this APPEAL be HELD IN COMMITTEE. The motion PREVAILED by the following vote:

Aye: 5 - Collins, Witkowski, Havas, Fraker, and Lee

No: 0

Excused: 1 - Strohbehn

2:00 P.M.

- 8. 10061** Appeal of Bette Annette Davis for reinspection fees. (2402 N. Sherman Blvd.) (7th Aldermanic District)

Sponsors: THE CHAIR

This appeal was heard by the City of Milwaukee's Administrative Review Appeals Board at the date and place listed above. The Board's decision in this matter is recorded below. The Board's decision may be appealed by commencing an action in the Circuit Court of Milwaukee County no later than thirty (30) days from October 6, 2010. The phone number for general information for the Court is (414) 278-4120.

A motion was made by Martin Collins, seconded by Daniel Lee, that this APPEAL be DENIED as the city followed proper procedures. This motion PREVAILED by the following vote:

Aye: 5 - Collins, Witkowski, Havas, Fraker, and Lee

No: 0

Excused: 1 - Strohbehn

- 9. 10147** Appeal of Jean-Pierre Biawa for reinspection fees. (7906 W. Hampton Avenue) (2nd Aldermanic District)

Sponsors: THE CHAIR

This appeal was heard by the City of Milwaukee's Administrative Review Appeals Board at the date and place listed above. The Board's decision in this matter is recorded below. The Board's decision may be appealed by commencing an action in the Circuit Court of Milwaukee County no later than thirty (30) days from October 6, 2010. The phone number for general information for the Court is (414) 278-4120.

A motion was made by ALD. WITKOWSKI, seconded by Donald Fraker, that this APPEAL be DENIED based upon non-appearance despite being provided timely notice of the hearing. This motion PREVAILED by the following vote:

Aye: 5 - Collins, Witkowski, Havas, Fraker, and Lee

No: 0

Excused: 1 - Strohbahn

2:15 P.M.

- 10. 10152** Appeal of Janice Peete for reinspection fees. (3557 N. 15th Street) (6th Aldermanic District)

Sponsors: THE CHAIR

Held until the next meeting as appellant working with the department.

HELD IN COMMITTEE

- 11. 10168** Appeal of Michael Lemke for reinspection fees. (4266 S. 60th Street) (11th Aldermanic District)

Sponsors: THE CHAIR

This appeal was heard by the City of Milwaukee's Administrative Review Appeals Board at the date and place listed above. The Board's decision in this matter is recorded below. The Board's decision may be appealed by commencing an action in the Circuit Court of Milwaukee County no later than thirty (30) days from October 6, 2010. The phone number for general information for the Court is (414) 278-4120.

A motion was made by ALD. WITKOWSKI, seconded by Daniel Lee, that this APPEAL be DENIED based upon non-appearance despite being provided timely notice of the hearing. This motion PREVAILED by the following vote:

Aye: 5 - Collins, Witkowski, Havas, Fraker, and Lee

No: 0

Excused: 1 - Strohbahn

- 12. 10167** Appeal of Georgette Watkins for reinspection fees. (2020 N. 5th Street) (6th Aldermanic District)

Sponsors: THE CHAIR

This matter was settled prior to the committee meeting.

SETTLED

2:30 P.M.

13. 10124 Appeal of Donald Feldbruegge for garbage and litter nuisance fees. (2642-2644 N. 24th Street) (15th Aldermanic District)

Sponsors: THE CHAIR

This matter was settled prior to the hearing.

SETTLED

14. 10136 Appeal of Arizonia Moore for garbage and litter nuisance fees. (2630-2632 N. 22nd Street) (15th Aldermanic District)

Sponsors: THE CHAIR

This appeal was heard by the City of Milwaukee's Administrative Review Appeals Board at the date and place listed above. The Board's decision in this matter is recorded below. The Board's decision may be appealed by commencing an action in the Circuit Court of Milwaukee County no later than thirty (30) days from October 6, 2010. The phone number for general information for the Court is (414) 278-4120.

A motion was made by ALD. WITKOWSKI, seconded by Martin Collins, that this APPEAL be DENIED as the city followed proper procedures. This motion PREVAILED by the following vote:

Aye: 5 - Collins, Witkowski, Havas, Fraker, and Lee

No: 0

Excused: 1 - Strohbehn

2:45 P.M.

15. 10153 Appeal of Suzanne DeBarge for garbage and litter nuisance fees. (2663-2665 N. 41st Street) (15th Aldermanic District)

Sponsors: THE CHAIR

This matter was settled prior to the committee meeting.

SETTLED

16. 10158 Appeal of Jose Aviles for garbage and litter nuisance fees. (1905 S. 11th Street) (12th Aldermanic District)

Sponsors: THE CHAIR

This matter was settled prior to the committee meeting.

SETTLED

3:00 P.M.

17. 10140 Appeal of Jesus Manzano, Jr. for grass and weed nuisance fees. (2533 W. Maple Street) (8th Aldermanic District)

Sponsors: THE CHAIR

Grant in the amount of \$65 (administrative cost) and deny in the amount of \$105 plus tax (contractor cost).

This appeal was heard by the City of Milwaukee's Administrative Review Appeals Board at the date and place listed above. The Board's decision in this matter is recorded below. The Board's decision may be appealed by commencing an action in the Circuit Court of Milwaukee County no later than thirty (30) days from October 6, 2010. The phone number for general information for the Court is (414) 278-4120.

A motion was made by Martin Collins, seconded by Donald Fraker, that this APPEAL be GRANTED (WITH MODIFICATIONS). This motion PREVAILED by the following vote:

Aye: 4 - Collins, Havas, Fraker, and Lee

No: 1 - Witkowski

Excused: 1 - Strohhahn

18. 10144 Appeal of Ghasson Jaber for grass and weed nuisance fees. (8211 W. Hampton Avenue) (5th Aldermanic District)

Sponsors: THE CHAIR

This matter was settled prior to the committee meeting.

SETTLED

3:15 P.M.

Roll call taken at 3:35 P.M.

Present: 4 - Collins, Witkowski, Havas, Fraker

Excused: 2 - Lee, Strohhahn

19. 10149 Appeal of Angela Jefferson for grass and weed nuisance fees. (1949 N. 28th Street) (15th Aldermanic District)

Sponsors: THE CHAIR

This appeal was heard by the City of Milwaukee's Administrative Review Appeals Board at the date and place listed above. The Board's decision in this matter is recorded below. The Board's decision may be appealed by commencing an action in the Circuit Court of Milwaukee County no later than thirty (30) days from October 6, 2010. The phone number for general information for the Court is (414) 278-4120.

A motion was made by Donald Fraker, seconded by Martin Collins, that this APPEAL be DENIED as the city followed proper procedures. This motion PREVAILED by the following vote:

Aye: 4 - Collins, Witkowski, Havas, and Fraker

No: 0

Excused: 2 - Lee, and Strohhahn

20. 10156 Appeal of Carole Geary for grass and weed nuisance fees. (2138 N. 34th Street) (15th Aldermanic District)

Sponsors: THE CHAIR

Held at the request of the appellant.

A motion was made by Donald Fraker, seconded by Martin Collins, that this APPEAL be HELD IN COMMITTEE. This motion PREVAILED by the following vote:

Aye: 4 - Collins, Witkowski, Havas, and Fraker

No: 0

Excused: 2 - Lee, and Strohhahn

21. 10157 Appeal of Carole Geary for grass and weed nuisance fees. (2142 N. 34th Street) (15th Aldermanic District)

Sponsors: THE CHAIR

Held at the request of the appellant.

A motion was made by Donald Fraker, seconded by Martin Collins, that this APPEAL be HELD IN COMMITTEE. This motion PREVAILED by the following vote:

Aye: 4 - Collins, Witkowski, Havas, and Fraker

No: 0

Excused: 2 - Lee, and Strohhahn

3:30 P.M.

22. 10151 Appeal of Atty. Michael Whitcomb on behalf of George Kusak of a nuisance determination by the Police Department. (2500 N. 35th Street) (15th Aldermanic District)

Sponsors: THE CHAIR

Individuals present:

Atty. Michael Whitcomb - attorney for the appellant

George Kusak

Officer Charlotte Brown

Atty. Robin Pederson - City Attorney's Office

Letter to District Commandor Michael Brunson presented at the hearing by Atty. Whitcomb.

A motion was made by Donald Fraker, seconded by Jennifer Havas, that this APPEAL be GRANTED. This motion FAILED by the following vote:

Aye: 2 - Havas, and Fraker

No: 2 - Collins, and Witkowski

Excused: 2 - Lee, and Strohbehn

Held until a fifth member is present.

A motion was made by Donald Fraker, seconded by Martin Collins, that this APPEAL be HELD IN COMMITTEE. This motion PREVAILED by the following vote:

Aye: 4 - Collins, Witkowski, Havas, and Fraker

No: 0

Excused: 2 - Lee, and Strohbehn

23. 10154

Appeal of Alicia McCovery, Agent for Ike's Lounge, LLC of a nuisance determination by the Police Department. (2432 W. Garfield Avenue) (15th Aldermanic District)

Sponsors: THE CHAIR

This appeal was heard by the City of Milwaukee's Administrative Review Appeals Board at the date and place listed above. The Board's decision in this matter is recorded below. The Board's decision may be appealed by commencing an action in the Circuit Court of Milwaukee County no later than thirty (30) days from October 6, 2010. The phone number for general information for the Court is (414) 278-4120.

A motion was made by ALD. WITKOWSKI, seconded by Donald Fraker, that this APPEAL be DENIED based upon non-appearance despite being provided timely notice of the hearing. This motion PREVAILED by the following vote:

Aye: 4 - Collins, Witkowski, Havas, and Fraker

No: 0

Excused: 2 - Lee, and Strohbehn

The next meeting will be at: Thursday, Nov. 18th at 1 p.m.

Meeting adjourned: 4:27 P.M.

*Linda M. Elmer
Staff Assistant*