



City of Milwaukee

200 E. Wells Street
Milwaukee, Wisconsin
53202

Meeting Minutes ADMINISTRATIVE REVIEW APPEALS BOARD

JENNIFER HAVAS, CHAIR

**Donald Fraker, Vice-Chair, Fredrick Gordon, Daniel Lee, and Ald. Terry Witkowski
Christopher Strohbehn -- Alternate**

**Staff Assistant, Linda Elmer, (414)-286-2232
Fax: 286-3456, E-mail: lelmer@milwaukee.gov**

Friday, July 17, 2009

9:00 AM

Room 301-B, City Hall

Meeting convened: 9:04 A.M.

Present: 4 - Gordon, Lee, Havas, Fraker

Excused: 2 - Strohbehn, Witkowski

1. 09056

Appeal of Atty. Steven McGaver on behalf of Hussein Govani, Agent for Club International for police service fees. (721 S. Cesar E. Chavez Dr.) (12th Aldermanic District)

Sponsors: THE CHAIR

Att. Vincent Bobot and Atty. Dean String present for the appellant. The Chair noted that she does personally know the Atty. Bobot.

Att. Jarely Ruiz and Mark Krowski present for the city.

Witness on behalf of the appellant: Pablo Velazquez

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 petitioning the Circuit Court of Milwaukee County no later than thirty (30) days from July 20, 2009. The phone number for general information for the Court is (414) 278-4120.

A motion was made by Daniel Lee, seconded by Fredrick Gordon, that this APPEAL be DENIED for the August 16 and October 11, 2008 dates and that the APPEAL be GRANTED for the August 31, 2008 date. The motion PREVAILED by the following vote:

Aye: 3 - Gordon, Lee, and Havas

No: 1 - Fraker

Excused: 2 - Strohbehn, and Witkowski

Roll call taken at 10:05 A.M.

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

Excused: 1 - Strohhahn

2. **09091** Appeal of Todd Colburn for special charges for police services. (8223 W. Thurston Ave.) (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 petitioning the Circuit Court of Milwaukee County no later than thirty (30) days from July 20, 2009. The phone number for general information for the Court is (414) 278-4120.

A motion was made by ALD. WITKOWSKI, seconded by Fredrick Gordon, that this APPEAL be DENIED based upon non-appearance despite receiving timely notice of the hearing. The motion PREVAILED by the following vote:

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

No: 0

Excused: 1 - Strohhahn

9:30 A.M.

3. **09041** Appeal of Donald Feldbruegge, Agent for D&B Properties of WI, LLC, for board-up fees. (126 W. Center St.) (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 petitioning the Circuit Court of Milwaukee County no later than thirty (30) days from July 20, 2009. 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 having received timely notice of the hearing. The motion PREVAILED by the following vote:

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

No: 0

Excused: 1 - Strohhahn

4. **09076** Appeal of Lloyd Levin, Agent for Security Lending Group, LLC for board-up fees. (3401 N. 4th St.) (6th Aldermanic District)

Sponsors: THE CHAIR

Also present: Eugene Neesbeck - property manager

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 petitioning the Circuit Court of Milwaukee County no later than thirty (30) days from July 20, 2009. 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 as the city acted appropriately. The motion PREVAILED by the following vote:

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

No: 0

Excused: 1 - Strohbehn

9:45 A.M.

5. **09068** Appeal of Kathleen Burgess for Burgess Snow & Ice Control regarding Emerging Business Enterprise Certification.

Sponsors: THE CHAIR

This appeal was held by the City of Milwaukee's Administrative Review Appeals Board at the date and place listed above at your request. You will be notified when your appeal is rescheduled.

6. **09075** Appeal of Callie Lampley for sanitation fees. (3929 N. 23rd St.) (6th Aldermanic District)

Sponsors: THE CHAIR

This appeal was not heard by the City of Milwaukee's Administrative Review Appeals Board at the date and place listed above as you should never have been billed. The Department of Public Works will be removing the \$50 charge and you will be refunded your \$25 filing fee with the Board.

10:00 A.M.

7. **09063** Appeal of Jack Mahnke on behalf of Robert Zellmer, Agent for Action Property Management, for graffiti nuisance and reinspection fees. (2945 N. Oakland Ave.) (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 petitioning the Circuit Court of Milwaukee County no later than thirty (30) days from July 20, 2009. 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. The motion PREVAILED by the following vote:

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

No: 0

Excused: 1 - Strohbehn

8. **09067** Appeal of Atty. Peter Donohue, on behalf of Linda Kates for reinspection fees. (3900

N. 26th St.) (7th Aldermanic District)

Sponsors: THE CHAIR

This matter was settled with the Dept. of Neighborhood Services prior to the Board meeting.

10:15 A.M.

9. **09094** Appeal of Lois Jones for reinspection fees. (2470 N. Buffum Street) (6th Aldermanic District)

Sponsors: THE CHAIR

This appeal was withdrawn by the appellant.

10. **09065** Appeal of Garfield Plunkett for a garbage and litter nuisance fee. (1328 N. 24th St.) (4th 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 petitioning the Circuit Court of Milwaukee County no later than thirty (30) days from July 20, 2009. 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 as the city acted appropriately. The motion PREVAILED by the following vote:

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

No: 1 - Gordon

Excused: 1 - Strohbehn

10:30 A.M.

11. **09066** Appeal of Hollis Tate for reinspection fees. (2434-2436 N. 29th St.) (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 petitioning the Circuit Court of Milwaukee County no later than thirty (30) days from July 20, 2009. The phone number for general information for the Court is (414) 278-4120.

A motion was made by Fredrick Gordon, seconded by ALD. WITKOWSKI, that this APPEAL be DENIED as the city acted appropriately. The motion PREVAILED by the following vote:

Aye: 6 - Gordon, Witkowski, Havas, Fraker, Lee, and Strohbehn

No: 0

Mr. Fraker excused from the rest of the meeting at 11:30 A.M.

Present: 4 - Gordon, Witkowski, Havas, Lee

Excused: 2 - Fraker, Strohhahn

12. 09069 Appeal of LaKeitha Cook for a garbage and litter nuisance fee. (4777 N. 29th St.)
(1st 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 petitioning the Circuit Court of Milwaukee County no later than thirty (30) days from July 20, 2009. The phone number for general information for the Court is (414) 278-4120.

A motion was made by ALD. WITKOWSKI, seconded by Fredrick Gordon, that this APPEAL be DENIED as the city acted appropriately. The motion PREVAILED by the following vote:

Aye: 4 - Gordon, Witkowski, Havas, and Lee

No: 0

Excused: 2 - Fraker, and Strohhahn

10:45 A.M.

13. 09070 Appeal of Andre Hopson for a nuisance vehicle fee. (2526 N. 19th St.) (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 petitioning the Circuit Court of Milwaukee County no later than thirty (30) days from July 20, 2009. The phone number for general information for the Court is (414) 278-4120.

A motion was made by Daniel Lee, seconded by Fredrick Gordon, that this APPEAL be DENIED as the city acted appropriately. The motion PREVAILED by the following vote:

Aye: 4 - Gordon, Witkowski, Havas, and Lee

No: 0

Excused: 2 - Fraker, and Strohhahn

14. 09071 Appeal of Warren Bloomfield for a garbage and litter nuisance fee. (2908-2910 N.
29th St.) (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. During the hearing, the appellant withdrew his appeal at the table.

11:00 A.M.

- 15. 09077** Appeal of Adja Diong for a garbage and litter nuisance fee. (3602 N. 25th St.) (6th Aldermanic District)

Sponsors: THE CHAIR

Present for the appellant is her husband, Obidu

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 petitioning the Circuit Court of Milwaukee County no later than thirty (30) days from July 20, 2009. The phone number for general information for the Court is (414) 278-4120.

A motion was made by Fredrick Gordon, seconded by ALD. WITKOWSKI, that this APPEAL be DENIED as the city acted appropriately. The motion PREVAILED by the following vote:

Aye: 4 - Gordon, Witkowski, Havas, and Lee

No: 0

Excused: 2 - Fraker, and Strohhenn

- 16. 09079** Appeal of Jermaine Perry for a garbage and litter nuisance fee. (3765-3767 N. 4th St.) (6th Aldermanic District)

Sponsors: THE CHAIR

This appeal was held at your request by the City of Milwaukee's Administrative Review Appeals Board at the date and place listed above. You will be notified when your appeal is rescheduled.

11:15 A.M.

RECESS: 12:05 P.M.

RECONVENE: 12:10 P.M.

- 17. 09082** Appeal of Daniel Jorgenson for a garbage and litter nuisance fee. (357 E. Dover St.) (14th 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 petitioning the Circuit Court of Milwaukee County no later than thirty (30) days from July 20, 2009. The phone number for general information for the Court is (414) 278-4120.

A motion was made by Fredrick Gordon, seconded by ALD. WITKOWSKI, that this APPEAL be DENIED as the city acted appropriately. The motion PREVAILED by the following vote:

Aye: 4 - Gordon, Witkowski, Havas, and Lee

No: 0

Excused: 2 - Fraker, and Strohhahn

18. 09087

Appeal of Marvia Auffant for a garbage and litter nuisance fee. (1035-1037 N. 20th St.) (4th 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 petitioning the Circuit Court of Milwaukee County no later than thirty (30) days from July 20, 2009. The phone number for general information for the Court is (414) 278-4120.

A motion was made by Fredrick Gordon, seconded by ALD. WITKOWSKI, that this APPEAL be DENIED as the city acted appropriately. The motion PREVAILED by the following vote:

Aye: 4 - Gordon, Witkowski, Havas, and Lee

No: 0

Excused: 2 - Fraker, and Strohhahn

11:30 A.M.

19. 09090

Appeal of Richard Bednarski for a garbage and litter nuisance fee. (2546 N. Gordon Pl.) (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 petitioning the Circuit Court of Milwaukee County no later than thirty (30) days from July 20, 2009. The phone number for general information for the Court is (414) 278-4120.

A motion was made by Fredrick Gordon, seconded by ALD. WITKOWSKI, that this APPEAL be DENIED as the city acted appropriately. The motion PREVAILED by the following vote:

Aye: 4 - Gordon, Witkowski, Havas, and Lee

No: 0

Excused: 2 - Fraker, and Strohhahn

20. 09093

Appeal of Dana Kerr for a garbage and litter nuisance fee. (2369-2371 N. Palmer Street) (6th Aldermanic District)

Sponsors: THE CHAIR

Ald. Gordon moved to make the affidavits of Leroy Thompson and I-Luv-A'Shanta Johnson part of the record. Prevailed. 4-0

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 petitioning the Circuit Court of Milwaukee County no later than thirty (30) days from July 20, 2009. The phone number for general information for the Court is (414) 278-4120.

A motion was made by Fredrick Gordon, seconded by ALD. WITKOWSKI, that this APPEAL be DENIED as the city acted appropriately. The motion PREVAILED by the following vote:

Aye: 3 - Gordon, Witkowski, and Havas

No: 1 - Lee

Excused: 2 - Fraker, and Strohhahn

11:45 A.M.

21. 09095

Appeal of Freya Alvarado for a garbage and litter nuisance fee. (2974 N. Maryland Avenue) (3rd Aldermanic District)

Sponsors: THE CHAIR

A motion was made by Fredrick Gordon, seconded by Daniel Lee, that this APPEAL be GRANTED. The motion PREVAILED by the following vote:

Aye: 4 - Gordon, Witkowski, Havas, and Lee

No: 0

Excused: 2 - Fraker, and Strohhahn

22. 09098

Appeal of Cary Zborovsky for a dog feces nuisance fee. (2484 N. Humboldt Blvd.) (3rd Aldermanic District)

Sponsors: THE CHAIR

A motion was made by Fredrick Gordon, seconded by ALD. WITKOWSKI, that this APPEAL be GRANTED in the amount of \$50. The motion PREVAILED by the following vote:

Aye: 4 - Gordon, Witkowski, Havas, and Lee

No: 0

Excused: 2 - Fraker, and Strohhahn

12:00 P.M.

Roll call taken at 1:08 P.M.

Present: 3 - Gordon, Havas, Lee

Excused: 3 - Witkowski, Fraker, Strohhahn

- 23. 09100** Appeal of Hugo Alarcon for a garbage and litter nuisance fee. (1563-1565 S.Cesar E. Chavez Drive) (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 petitioning the Circuit Court of Milwaukee County no later than thirty (30) days from July 20, 2009. The phone number for general information for the Court is (414) 278-4120.

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

Aye: 3 - Gordon, Havas, and Lee

No: 0

Excused: 3 - Witkowski, Fraker, and Strohhahn

- 24. 09086** Appeal of David Ryan, Agent for Ryan 1000, LLC for a asbestos hazard control nuisance fee. (1000-1018 W. Pierce St.) (12th Aldermanic District)

Sponsors: THE CHAIR

*Atty. Michael F. Torphy for the appellant
Anthony Goodman - Dept. of Neighborhood Services*

The appellant will provide written documentation that the item has been disposed of by a state-certified contractor and the department will close the order. The appellant, however, will not agree to this unless the order is dismissed because he does not want to admit to any guilt regarding this order. The Department cannot dismiss or withdraw the order, but can only close the order. The appellant can have the item examined by a state-certified inspector at his own cost prior to having the item disposed of by a state-certified contractor.

The appellant can also have a state-certified inspector come out to the premises and inspect prior to any work being done.

Both parties will report back to the Board prior to its next meeting.

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

Aye: 3 - Gordon, Havas, and Lee

No: 0

Excused: 3 - Witkowski, Fraker, and Strohhahn

- 25. 09060** Appeal of Richard Brittain for a snow removal fee. (1918 N. 53rd St.) (10th

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 petitioning the Circuit Court of Milwaukee County no later than thirty (30) days from July 20, 2009. The phone number for general information for the Court is (414) 278-4120.

A motion was made by Fredrick Gordon, seconded by Jennifer Havas, that this APPEAL be DENIED as the city acted appropriately. The motion PREVAILED by the following vote:

Aye: 2 - Gordon, and Havas

No: 1 - Lee

Excused: 3 - Witkowski, Fraker, and Strohbehn

Next meeting date is August 21.

Meeting adjourned: 3:17 P.M.

Linda M. Elmer

Staff Assistant