



City of Milwaukee

City Hall
200 East Wells Street
Milwaukee, WI 53202

Meeting Minutes JUDICIARY & LEGISLATION COMMITTEE

ALD. ASHANTI HAMILTON, CHAIR

Ald. Terry Witkowski, Vice-Chair

Ald. James Bohl, Jr., Ald. Joe Davis, Sr., and Ald. Robert Donovan

Staff Assistant, Linda Elmer, (414) 286-2232

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Monday, November 23, 2009

1:30 PM

Room 301-B, City Hall

Meeting convened: 1:35 P.M.

Present 3 - Hamilton, Bohl, Donovan

Excused 2 - Witkowski, Davis

The Judiciary and Legislation Committee may convene into closed session at 1:30 P.M. on Monday, November 23, 2009, 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 authorizing payment of a judgment for costs in City of Milwaukee v. NL Industries, et al. and then will go into open session for the regular agenda.

Ald. Bohl moves that the Judiciary and Legislation Committee convene into closed session 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 authorizing payment of a judgment for costs in City of Milwaukee v. NL Industries, et al. and then will go into open session for the regular agenda.

Roll call:

Ayes - Ald. Bohl, Ald. Donovan and Ald. Hamilton - 3

Excused: Ald. Davis and Ald. Witkowski - 2

Individuals present:

Rudy Konrad and Pat Fricker - City Attorney's Office

Ald. Witkowski arrived during the closed session at 1:39 P.M.

Present 4 - Hamilton, Witkowski, Bohl, Donovan

Excused 1 - Davis

Ald. Davis arrived during the closed session at 1:40 P.M.

Present 5 - Hamilton, Witkowski, Bohl, Davis, Donovan

1. [090914](#) Resolution authorizing payment of a judgment for costs in City of Milwaukee v. NL Industries, et al.

Sponsors: THE CHAIR

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

Aye 4 - Hamilton, Witkowski, Davis and Donovan

No 1 - Bohl

1:45 P.M.

2. [090504](#) Substitute resolution authorizing the return of real estate located at 1616-1618 S. Cesar E. Chavez Dr., in the 12th Aldermanic District to its former owner. (Maria de La Luz Hernandez)

Sponsors: THE CHAIR

Must pay outstanding balance on her property at 1801 S. 6th St. prior to noon on November 30th.

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

Aye 4 - Hamilton, Witkowski, Bohl and Davis

No 0

Excused 1 - Donovan

3. [090649](#) Substitute resolution authorizing the return of real estate located at 3530 N. 20th St., in the 6th Aldermanic District to its former owner. (Charles Fowlkes for the Fowlkes Estate)

Sponsors: THE CHAIR

Applicant must pay \$3,300 in pending DNS fees, record the property and pay the outstanding balance on his other property prior to noon on November 30th.

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

Aye 5 - Hamilton, Witkowski, Bohl, Davis and Donovan

No 0

4. [090854](#) Resolution authorizing the Office of the City Attorney to resolve various Municipal

Court cases through permanent stay of the forfeiture or dismissal.

Sponsors: THE CHAIR

Individuals present:

Kurt Behling - City Attorney's Office

Kris Hinrichs - Municipal Court

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

Aye 3 - Hamilton, Davis and Donovan

No 2 - Witkowski and Bohl

5. [090732](#)

Substitute resolution to settle claims of Cermele & Associates for defense of various police officers.

Sponsors: THE CHAIR

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

Aye 5 - Hamilton, Witkowski, Bohl, Davis and Donovan

No 0

6. [090846](#)

Resolution relating to an appeal from Gregory Jacoby for property damage.

Sponsors: THE CHAIR

Claimant not present.

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

Aye 5 - Hamilton, Witkowski, Bohl, Davis and Donovan

No 0

7. [090845](#)

Resolution relating to an appeal from Angela Lopez for property damage. (8th Aldermanic District)

Sponsors: THE CHAIR

Claimant not present.

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

Aye 5 - Hamilton, Witkowski, Bohl, Davis and Donovan

No 0

8. [090897](#)

Resolution relating to an appeal from Carol Garson for property damage.

Sponsors: THE CHAIR

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

Aye 4 - Witkowski, Bohl, Davis and Donovan

No 1 - Hamilton

9. [090851](#)

Resolution relating to an appeal from Steven Austin for property damage. (3rd Aldermanic District)

Sponsors: THE CHAIR

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

Aye 4 - Hamilton, Witkowski, Davis and Donovan

No 0

Excused 1 - Bohl

10. [090898](#)

Resolution relating to an appeal from Archie Vanlandingham for property damage. (4th Aldermanic District)

Sponsors: THE CHAIR

Claimant not present.

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

Aye 4 - Hamilton, Witkowski, Davis and Donovan

No 0

Excused 1 - Bohl

11. [090906](#)

Resolution relating to an appeal from James Campion for property damage. (9th Aldermanic District)

Sponsors: THE CHAIR

Claimant not present.

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

Aye 4 - Hamilton, Witkowski, Davis and Donovan

No 0

Excused 1 - Bohl

2:15 P.M.

12. [090904](#) Substitute resolution relative to various legislative bills.

Sponsors: THE CHAIR

Individuals present:

Brenda Wood - Common Council/City Clerk's Office

Kurt Behling - City Attorney's Office

Kristine Hinrichs - Municipal Court

Ms. Wood recommends that Section 76 be clarified that only operating while intoxicated cases are entitled to a jury trial, not all cases in Municipal Court.

Ms. Wood recommends that Section 101 be changed to reflect either a 30 day deadline for discovery or 28 days before the trial.

Section 76 and section 101 are the only remaining areas of contention.

Ald. Witkowski moved to watch and report on SB-383. Prevailed. 5-0

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

Aye 5 - Hamilton, Witkowski, Bohl, Davis and Donovan

No 0

- [090904](#) Substitute resolution relative to various legislative bills.

Sponsors: THE CHAIR

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

Aye 5 - Hamilton, Witkowski, Bohl, Davis and Donovan

No 0

Meeting adjourned: 3:18 P.M.

Linda M. Elmer

Staff Assistant

This meeting can be viewed in its entirety through the City's Legislative Research Center at <http://milwaukee.legistar.com/calendar>.