

IN THE MATTER OF THE COMPLAINT AGAINST JERVEL WILLIAMS, d/b/a
MISTER BAR-B-QUE
CITY OF WEST ALLIS v. JERVEL WILLIAMS D/B/A MISTER BAR-B-QUE

State of Wisconsin)

: ss

AFFIDAVIT OF SERVICE

Milwaukee County)

Officer Todd Ketterhagen, under oath, says:

1. That affiant is a citizen and resident of the State of Wisconsin, over 18 years old, and is not a party nor in any manner interested in this proceeding.
2. That on 03-13-19, 2019, at 1040 o'clock A.m., at WAPP-MUNICIPAL COURT, affiant served a copy of this **Summons and Complaint** on Jervel Williams, d/b/a Mister Bar-B-Que by personally delivering to and leaving a copy of same with:

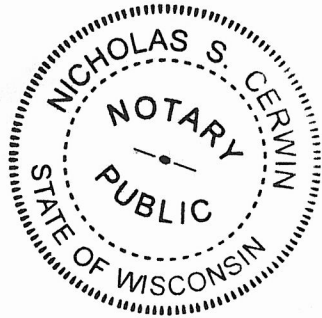
a) Jervel Williams.

b) _____, a person in charge of the office at 8322 W. Lincoln Avenue in the City of West Allis, State of Wisconsin.

Todd Ketterhagen
(Signature of person serving papers)

Subscribed and sworn to before me
this 13 day of MARCH, 2019.

Nicholas S. Cermin
(Nicholas S. Cermin)
Notary Public, State of Wisconsin
My Commission: PERMANENT



**WEST ALLIS COMMON COUNCIL
SAFETY AND DEVELOPMENT COMMITTEE
CITY OF WEST ALLIS**

**In the Matter of the
Complaint Against**

SUMMONS

JW
3-13-19

Jervel Williams, d/b/a Mister Bar-B-Que

STATE OF WISCONSIN)
)
) ss.
COUNTY OF MILWAUKEE)

THE WEST ALLIS COMMON COUNCIL TO Jervel Williams, d/b/a Mister Bar-B-Que:

You are hereby notified that a sworn complaint, a copy of which is attached, has been duly made and filed, requesting the termination of your Special Use Permit, file number R-2017-0204 pursuant to West Allis Revised Municipal Code § 12.16(13).

NOW THEREFORE, you, Jervel Williams d/b/a Mister Bar-B-Que, are hereby summoned to appear before the Safety and Development Committee of the West Allis Common Council in Art Gallery of the West Allis City Hall, 7525 West Greenfield Avenue, West Allis, Wisconsin, on March 19, 2019 at 7:00 p.m., or as soon thereafter as this matter can be heard, to admit or deny the allegations in the complaint. You may be represented by counsel on this date.

In the case of your failure to appear as required by this summons, the allegations in the complaint against you shall be taken as true and, if the Safety and Development Committee of the West Allis Common Council finds the allegations sufficient, a recommendation that your license(s) be suspended or revoked will be made to the full Common Council. The Common Council may then vote to suspend, revoke, or not renew your license(s).

You are further notified that if you appear as required by this summons and contest the allegations in the complaint, a hearing will be scheduled at a later date before the Safety and Development Committee, at which time you may be represented by counsel, cross examine the witnesses who testify adversely against you, and present witnesses in your own behalf. A written transcript of said hearing shall be made and you may obtain a copy of the transcript of this proceeding at your expense.

Dated at West Allis, Wisconsin, this 11 day of March, 2019.

WEST ALLIS COMMON COUNCIL

By:



Steven Braatz, City Clerk

**WEST ALLIS COMMON COUNCIL
SAFETY AND DEVELOPMENT COMMITTEE
CITY OF WEST ALLIS**

**In the Matter of the
Complaint Against**

COMPLAINT

JW
3-13-19

Jervel Williams, d/b/a Mister Bar-B-Que

**STATE OF WISCONSIN)
) ss.
COUNTY OF MILWAUKEE)**

Steve Schaefer, being duly sworn, on oath states as a complaint against Jervel Williams d/b/a Mister Bar-B-Que as follows:

1. That the complainant is the Manager of Planning and Zoning in the Development Department with the City of West Allis.
2. That the information contained in this complaint comes from the complainant's review of the subject property and official records maintained by the city of West Allis, which records complainant believes to be reliable and accurate.
3. That Jervel Williams is the present owner of the property located at 8322 W. Lincoln Avenue in the City of West Allis, State of Wisconsin.
4. That the aforesaid location is zoned C-2 Neighborhood Commercial District pursuant to the West Allis Revised Municipal Code (hereafter "West Allis RMC") Sections 12.16 and Section 12.41(2). Said zoning allows for a special use permit to be issued for restaurants, limited food production, and outdoor dining.

5. That Jervel Williams d/b/a Mister Bar-B-Que was granted a Special Use Permit pursuant to resolution R-2017-0204, which was adopted on August 1, 2017 and approved by the Mayor on August 10, 2017.
6. Said Special Use Permit allowed Jervel Williams d/b/a Mister Bar-B-Que to establish a food truck business, a food truck service base, and outdoor dining at the 8322 W. Lincoln Avenue location.
7. That based on the Special Use Permit being approved and adopted, the West Allis Department of Development notified Jervel Williams d/b/a Mister Bar-B-Que that the following requirements would need to be satisfied before Jervel Williams d/b/a Mister Bar-B-Que could commence use of the site (see Exhibit A):
 - a. Revised Site, Landscaping and Architectural Plans being submitted to the Department of Development.
 - b. An estimated cost of landscaping and screening being submitted to the Department of Development for approval.
 - c. A surety bond or other form of security as required by West Allis RMC 12.13(14).
8. That as of the date of this complaint, none of those requirements have been met.
9. That said Special Use Permit also required the following conditions to be met at the location of 8322 W. Lincoln Avenue in the City of West Allis within one (1) year of approval of the Special Use:
 - a. Permit application and approved plans being submitted by the applicant to the engineering Department for necessary driveway permit.

- b. An exterior lighting plan being submitted to the Department of Development for Review and approval.
 - c. Sign plan details via a sign permit application to be submitted to the Department of Development for review and approval.
 - d. Compliance with City Policy regarding replacement and repair of walkways.
10. That as of the date of this complaint, none of those requirements have been met and it has been over a year since the Special Use Permit was issued.
11. That based on records from the West Allis Building Inspection and Neighborhood Services Department, the current or recently resolved violations, since August of 2018, at the property include:
- a. Snow and ice accumulation on the sidewalk in violation of West Allis RMC § 11.12(1)
 - b. Refuse accumulating due to a lack of dumpster or garbage service in violation of West Allis RMC §7.05 and § 13.28(10)(h)
 - c. Property maintenance issues related to broken windows in violation of West Allis RMC §(13.28(9)(b)1
 - d. Property owner registration in violation of West Allis RMC § 9.34(6)(a).
12. That the mobile food truck operated by Jervel Williams d/b/a Mister Bar-B-Que started on fire on March 11, 2018. Investigation by the West Allis Fire Department and West Allis Police Department revealed that the rear “smoker” that was affixed to the food truck was not fully extinguished prior to driving the vehicle and had started a fire causing damage to the food truck. On the day of the fire, the fire department was unable to fully investigate because Jervel Williams left the scene despite being told numerous times by

the West Allis Fire Department personnel and West Allis Police Department to remain on the scene.

13. On November 3, 2018, the West Allis Police Department was contacted regarding a complaint that the Mister Bar-B-Que food truck was pouring grease onto the streets. Officer Lonnie Christianson stopped the truck in question and made contact with the driver, Jervel Williams. Jervel Williams informed Officer Christianson that it was just soapy water that was leaking out of the truck as he drove it and not grease. Officer Christianson determined that Jervel Williams had a suspended driver's license at the time and subsequently issued Jervel Williams a citation for operating while suspended and advised him not to drain the service sink while the truck was being driven.
14. That the mobile food truck operated by Jervel Williams d/b/a Mister Bar-B-Que started on fire a second time on November 16, 2018 at or near the premises location of 8322 W. Lincoln Avenue. The West Allis Fire Department was called and determined that the fire appeared to have once again originated from the "smoker." Investigation by the West Allis Fire Department and West Allis Police Department revealed that the "smoker" and food truck had been left unattended at the time of the incident and that Jervel Williams was not on scene when the fire became out of control requiring police and fire department services.
15. That the Special Use Permit granted to Jervel Williams d/b/a Mister Bar-B-Que at the location of 8322 W. Lincoln Avenue in the City of West Allis, State of Wisconsin, has not continued in conformity with the conditions imposed on the approval or any subsequent amendments to it, in violation of West Allis RMC §12.16(13)(a) based on the

failure to ever comply with the conditions of the Special Use as reflected in paragraphs 7 through 10.

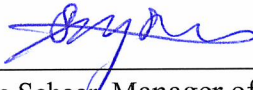
16. That Jervel Williams, d/b/a Mister Bar-B-Que allows or suffers violations of ordinances of the City of West Allis or State of Wisconsin on the premises covered by the special use in violation of West Allis RMC § 12.16(13)(e), based on the complaints, pending actions, and previous actions all originating after August of 2018, including: snow and ice removal violations, refuse collection violations, property owner registration violations, and property maintenance violations referenced in paragraph 11. Additionally, Jervel Williams has operated the food truck with a suspended driver's license.

17. That the operation of the business by Jervel Williams d/b/a Mister Bar-B-Que at the location of 8322 W. Lincoln Avenue in the City of West Allis, State of Wisconsin, is detrimental and endangers the public health, safety, and general welfare contrary to West Allis RMC § 12.16(8)(a) and has a demonstrably negative impact on the surrounding area contrary to West Allis RMC § 12.16(13)(c) based on two significant fires originating within approximately nine months that occurred because of negligent operation of the truck and components of the food truck requiring both police and fire department services.

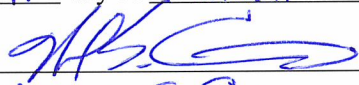
WHEREFORE, Steve Schaer, requests that Jervel Williams, d/b/a Mister Bar-B-Que be summoned to appear before the Safety and Development Committee of the West Allis Common Council to answer this complaint and, if the material allegations of the complaint are denied, that a hearing be held to determine whether the Special Use Permit of Jervel Williams, d/b/a Mister Bar-B-Que should be revoked.

[Signatures Page to Follow]

Dated at this 11 day of March, 2019

By: 
Steve Schaefer, Manager of Planning and Zoning
Development Department

Subscribed and sworn to before me
this 11 day of MARCH, 2019.


(Nicholas S. Cerwin)
Notary Public, State of Wisconsin
My Commission expires: PERMANENT

