

MINUTES
PROTECTION & WELFARE COMMITTEE
Monday, February 25, 2013
City Hall, Room 207
5:00 p.m.

MEMBERS PRESENT: Ald. Steuer, Ald. Brunette, Ald. Boyce, and Ald. Tim De Wane
MEMBERS EXCUSED: None
MEMBERS ABSENT: None
OTHERS PRESENT: Jim Mueller–Asst. City Attorney, Capt. Bongle, Ald. Tom De Wane and other interested parties.

NOTE: Item #8 was taken before item #4.

1. Roll Call.

Ald. Steuer, Ald. Brunette, Ald. Boyce, and Ald. Tim De Wane were present.

2. Approval of the Agenda.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to approve the agenda. Motion carried.

3. Approval of the minutes from the February 11, 2013 meeting.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to approve the minutes from the February 11, 2013 meeting. Motion carried.

4. Request by St. Brendan's Inn, 234 S. Washington Street, to hold outdoor events on March 16 and 17, 2013.

The Law and Police Departments had no objections.

Ashley Oates, 234 S. Washington Street, appeared and stated that the event on Saturday, March 16 is a charity event called St. Baldricks and will be held from 10:00 a.m. until 4:00 p.m., March 17 is St. Patrick's Day and the outdoor event will also end at 10:00 p.m.

A motion was made by Ald. Tim De Wane and seconded by Ald. Boyce to approve the request by St. Brendan's Inn, 234 S. Washington Street, to hold outdoor events on March 16 and 17, 2013. The approval of the request is subject to complaint. Motion carried.

5. Application for a Class "B" Beverage and a "Class C" Wine License by Auten's Eatery LLC at 1015 W. Mason Street.

The Law Department had no objection.

Capt. Bongle stated the Police Department had no objection; however the business plan for this has not been approved.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to approve the application contingent upon receiving an approved business plan prior to the March 5 Common Council meeting for a Class "B" Beverage and a "Class C" Wine License by Auten's Eatery LLC at 1015 W. Mason Street with the approval of proper authorities. Motion carried.

6. Application for an Entertainment Facility License by Monica Phelps at 913 E. Walnut Street.

Atty. Mueller stated he had some questions for the applicant.

Ald. Steuer opened the floor without objection.

Monica Phelps, 913 E. Walnut Street, appeared before the Committee. Atty. Mueller stated that Lavell Stokes applied for this license for the same location at the last Protection & Welfare Committee meeting. He noticed that Mr. Stokes home address is the same address Ms. Phelps divulged on her application and inquired if they were related. Ms. Phelps reported they are not related, and indicated that he is her ex-fiancé and he moved back to Milwaukee. He did discuss his plans with her for the facility he wanted to open and she is taking over his idea.

Ms. Phelps stated she wants to open a teen center on Friday and Saturday from 8:00 a.m. until midnight. It will be a safe environment, where teens aged 16 and up can play pool, darts, and listen to music as well as receive mentoring and tutoring. There will be security and teens 18 and under will be required to submit a form with their parent's names and phone numbers. Security will not allow the teens to linger outside of the building or parking lot. She has all the entertainment equipment and is waiting for this Committee's permission before she signs a lease. From the input she has received she believes there would be approximately 30-40 teens there at a time. She believes having this facility will keep teenagers off the streets and causing trouble on the weekends.

Discussion followed on parking and safety issues and if a business plan for this facility is in place.

Capt. Bongle stated that he would like Ms. Phelps to submit and discuss with the community police officer a business plan. He suggested the plan include the following: explanation of overall operations, layout of the facility, staff policies/training in place for dealing with disputes, financial backing, background

checks for hiring staff, liability insurance, adequate bathroom facilities, and that the Fire Department does a building inspection.

Ms. Phelps also was encouraged to contact the Navarino and Joannes Neighborhood Associations to inform them of her plans and listen to their input. It was also suggested that she contact Andy Rosendahl, Neighborhood Development Specialist, and go over her plans with him and see if he had any suggestions as well.

Ms. Phelps was asked if she had any experience with troubled teenagers. She responded that she does and she knows individuals who work at the Boys and Girls Club and inferred that they may work at her facility. She stated that her ex-fiancé works at the east side Boys and Girls Club and she is familiar with teenagers in that area.

Atty. Mueller inquired if Ms. Phelps was aware that there is a 10:00 p.m. curfew. She responded that she was and that is why they she will require parental information in order to contact them to pick up their teens so they not be out past the curfew.

Discussion followed that this item be postponed until a business plan has been received and approved by the Police Department. Ms. Phelps was strongly encouraged to go through with the suggestions that were given at this meeting.

A motion was made by Ald. Brunette and seconded by Ald. Boyce to postpone for one month the application for an Entertainment Facility License by Monica Phelps at 913 E. Walnut Street. Motion carried.

7. Appeal by Star Hill to a nuisance charge at 2526 Trojan Drive.

Capt. Bongle stated this address came to the attention of the Police Department in 2012 after responding to several night time calls.

On June 17, a loud party complaint was received. When the police arrived they could see underage individuals in the back yard. When officers knocked on the door and announced themselves, the youth ran into home. Michelle Hill answered the door and indicated she would take care of problem, and stated everyone left. Police could see alcohol containers in the backyard and people trying to hide inside. The door was then slammed shut and the officers could hear people swearing at them from inside. Disorderly conduct citations were issued for having an underage party.

On September 13, police received a disturbance call that there were three males fighting outside the home. When they arrived two males fled on foot and one left in a vehicle. The canine unit was called in and one male suspect apprehended. The information they received from him indicated that all three males had been

inside the residence. That individual did have an outstanding warrant. When officers knocked on the door, they could hear individuals inside but nobody came to the door. This made it the second qualifying call to this address, without cooperation from the residents.

On September 19, a community officer made contact with the residents and alerted them to the activities they have been responding to.

On October 15, the Police Department received an animal call, and a written warning issued. This made it the third qualifying call in a one year period.

The resident was contacted for an abatement meeting; they were notified that they would be billed for any future calls made to the department. Discussion involved what they should be aware of and an abatement agreement was signed on November 5. They were given a 15 day grace period to try to solve their problems before billing would begin. During this time frame another disturbance call was received for a loud party in the garage, although they could have been charged for this call a written warning was issued.

February 1 of this year a call was received that an individual with an outstanding warrant was inside the home. Officers were given permission to search the home. The individual was not inside, however during the search officers discovered and seized marijuana and paraphernalia and an arrest was made. This is the reason they received the nuisance charge.

Ald. Steuer opened the floor without objection.

Star Hill, 2526 Trojan Drive, appeared and admitted she had parties in the past that would sometimes end at 4:00 a.m.; however she has stopped that behavior. She has since graduated from high school and no longer associates with her old friends. She reported that her brother and his boyfriend got into a fight and the boyfriend is the individual who keeps calling the police on her.

Shawn Hill, 2526 Trojan Drive, appeared and stated that Ms. Hill has new friends and has stopped having parties at the home. Her brother, Michael Shepard, has a warrant out and the Green Bay and Oneida police are searching for him, they are even stopping people who come to visit and look inside their vehicles for him. The last time Mr. Shepard was in the home he got into an argument with his boyfriend, the boyfriend then attacked Ms. Hill and Mr. Shepard stopped it. Ms. Hill went to the police station and pressed charges against the boyfriend and ever since he has been calling the police saying that Mr. Shepard is inside Ms. Hill's home.

Mr. Hill stated he is the power of attorney for Mr. Shepard who also owns a home in Green Bay. He is not capable of managing his own finances and that he uses Ms. Hill's address as his mailing address. Mr. Hill has stated to the police

several times that Mr. Shepard doesn't live there and they don't know where he is.

Atty. Mueller inquired if they contacted the police when Mr. Shepard did come to the home and Mr. Hill stated he was aware of the warrant but did not contact the police; however he encouraged Mr. Shepard to turn himself in.

Ms. Hill stated that the marijuana found in the home belongs to her boyfriend who is in a wheelchair and has a prescription from Milwaukee for the marijuana. Atty. Mueller informed her that Wisconsin doesn't prescribe marijuana for medicinal purposes. Ms. Hill then stated that he only smokes it when he runs out of his prescription medication for pain and it's only for his personal use and it was a small amount that the police found.

Discussion followed on whether the tax payers should absorb the cost of the nuisance charges especially since five calls were made to this residence and warnings were issued to discontinue the problems. Police could have spent their time responding to a real emergency or preventing crime instead of the time they have spent at this residence. It isn't fair that the neighbors have to keep putting up with disturbances.

Mr. Hill inquired if Ms. Hill would still be charged if someone calls the department and states that her brother is in the home. Atty. Mueller stated charges would only occur if enforcement action is taken.

Capt. Bongle stated that the nuisance charge was generated by other activities that have happened in the home, it is not related to Mr. Shepard, and he is not causing the problems at this residence. The Police Department does appreciate the cooperation they received, but there is a history of calls at this address and illegal activity was discovered on the last call.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to deny the appeal by Star Hill to a nuisance charge at 2526 Trojan Drive. Motion carried.

8. Request by Ald. Wiezbiskie to develop an ordinance to address the issue of spreading manure on fields, and any other nuisance dumping or spreading that is occurring (postponed from the January 28, 2013 and February 11, 2013 meetings).

Atty. Mueller stated he spoke with Ald. Wiezbiskie and indicated that he would like to refer this back to staff for further study. The City cannot adopt Brown County's ordinance without some major changes being made, an employee must be experienced in this type of nuisance before citations can be issued, and a permit process must be set up if we plan to enforce it. Another option is asking the County to change their ordinance to include Green Bay.

Jon Bechle, Brown County Land and Water Conservation Department, 1150 Bellevue Street appeared and stated that Brown County has an animal waste management ordinance that covers the complaints the City has been receiving and that it requires a permit for an unconfined stack of manure placed in the middle of field. If spreading of the manure is involved, there is a nutrient management plan that the County requires which follows the State's requirements.

Brown County ordinances do not apply to incorporated areas such as Green Bay. Atty. Mueller stated that Brown County can change their ordinance to include Green Bay. The City can create an ordinance with input from Brown County and the Department of Agriculture; however this is not a simple process and will take time.

Ald. Tim De Wane stated that once the ordinance is created that all farmers in the city limits must be notified via media.

A motion was made by Ald. Brunette and seconded by Ald. Boyce to refer to the Law Department the request by Ald. Wiezbiskie to develop an ordinance to address the issue of spreading manure on fields, and any other nuisance dumping or spreading that is occurring (postponed from the January 28, 2013 and February 11, 2013 meetings). Motion carried.

A motion was made by Ald. Tim De Wane and seconded by Ald. Brunette to adjourn the meeting at 5:55 p.m. Motion carried.

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