



MINUTES OF THE PROTECTION AND POLICY COMMITTEE

**MONDAY, OCTOBER 8, 2018, 5:30 PM
CITY HALL, ROOM 207**

A. ROLL CALL.

Present: Randy Scannell, John VanderLeest, Mark Steuer, Craig Stevens, Excused:

Also Present: Deputy City Attorney Joanne Bungert; Lt. Steve Mahoney; Lt. Jason Allen; Ald. Brian Johnson, Ald. Veronica Corpus-Dax; Chief of Staff Celestine Jeffreys; Risk Manager Nate Froemming, Parks Recreation and Forestry Director Dan Ditscheit

B. APPROVAL OF THE AGENDA.

I. Approval of the agenda for the October 8, 2018 Protection & Policy Meeting.

Moved by Ald. John VanderLeest, seconded by Ald. Craig Stevens to approve the agenda for the October 8, 2018 Protection & Policy meeting. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

C. APPROVAL OF MINUTES.

I. Approval of the minutes for the September 24, 2018 Protection & Policy Meeting.

Moved by Ald. Mark Steuer, seconded by Ald. John VanderLeest to approve the minutes for the September 24, 2018 Protection & Policy Meeting. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

D. REGULAR BUSINESS.

1. Consideration with possible action on a notice of change of agent for Kwik Trip, Inc. at 515 W. Walnut St.

Moved by Ald. Mark Steuer, seconded by Ald. Craig Stevens to approve the change of agent for Kwik Trip, Inc. at 515 W. Walnut St. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

2. Consideration with possible action on an application for a "Class A" Liquor License by Dousman Fuel, Inc. at 606 Dousman St. (Currently has a Class "A" Beverage License).

Moved by Ald. Mark Steuer, seconded by Ald. John VanderLeest to open the floor for discussion. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

Moved by Ald. Mark Steuer, seconded by Ald. John VanderLeest to close floor. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

Moved by Ald. Mark Steuer, seconded by Ald. Craig Stevens to open the floor for discussion. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

Moved by Ald. John VanderLeest, seconded by Ald. Craig Stevens to close floor. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

Moved by Ald. Craig Stevens, seconded by Ald. John VanderLeest to approve an application for a "Class A" Liquor License by Dousman Fuel, Inc. at 606 Dousman St., with the approval of the proper authorities and subject to 2/3rds vote from Council (Currently has a Class "A" Beverage License). Motion carried. Yes- Craig Stevens, John VanderLeest, Randy Scannell, No- Mark Steuer, Abstain- None

3. Discussion with possible action on General Ordinance No. 28-18, an ordinance to repeal and recreate Section 6.15 Green Bay Municipal Code, relating to special events.

Moved by Ald. Craig Stevens, seconded by Ald. Mark Steuer to hold until next meeting General Ordinance No. 28-18, an ordinance to repeal and recreate Section 6.15 Green Bay Municipal Code relating to special events, for staff to obtain additional input from local organizations. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

4. Discussion with possible action on a General Ordinance 27-18 amending Section 27.902(2), Green Bay Municipal Code, relating to penalties for marijuana possession, previously discussed at the Sept. 24 Protection & Policy meeting.

Moved by Ald. Mark Steuer, seconded by Ald. Craig Stevens to open the floor for discussion. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

Moved by Ald. Craig Stevens, seconded by Ald. Mark Steuer to close floor. Motion carried.
Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

Moved by Ald. Randy Scannell, seconded by Ald. Craig Stevens to amend the ordinance draft to increase the amount from 25 grams to 28 grams. Motion carried 3-1.

Yes- Craig Stevens, Mark Steuer, Randy Scannell, No- John VanderLeest, Abstain- None

Moved by Ald. Randy Scannell, seconded by Ald. Mark Steuer to amend the ordinance draft to add community service in lieu of or in conjunction with the fine. Motion carried 3-1.

Yes- Craig Stevens, Mark Steuer, Randy Scannell, No- John VanderLeest, Abstain- None

Moved by Ald. Mark Steuer, seconded by Ald. John VanderLeest to open the floor for discussion. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

Moved by Ald. Stevens, seconded by Ald. Mark Steuer to close the floor. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

Moved by Ald. Mark Steuer, seconded by Ald. Craig Stevens to refer back to staff to look into and bring back suggestions for changing the fines for possession of THC in privately owned residences vs. public places, to distinguish between marijuana pipes and other types of pipes, and to obtain input from Municipal Court and Police Department. Motion carried 3-1.

Yes- Craig Stevens, Mark Steuer, Randy Scannell, No- John VanderLeest, Abstain- None

F. INFORMATIONAL.

I. Liquor Violation Report from the Police Department for October 8, 2018.

Moved by Ald. Mark Steuer, seconded by Ald. John VanderLeest to receive and place on file the Liquor Violation Report from the Police Department for October 8, 2018. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

E. PUBLIC HEARINGS.

G. ADJOURNMENT.

Moved by Ald. Mark Steuer, seconded by Ald. John VanderLeest to adjourn at 6:55 p.m. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

VERBATIM MINUTES

- Good to go?
- We are good to go.
- Okay, then the meeting for the Protection & Policy for October 8, 2018 in room 207, is now in session. Roll call, let's do a roll call. Alder Stevens.
- Here.
- Alder VanderLeest.
- Here.
- Alder Scannell, present. Alder Steuer.
- Here.
- All are present and accounted for. Take a motion to approve the agenda.
- Motion to approve the agenda.
- Second.
- Motion by Alder VanderLeest, second by Alder Stevens, all in favor?
- Aye.
- Opposed? That carries unanimously. Approval of the minutes.
- One moment.
- Oh, sorry.
- It's okay. Okay?
- Yeah, sorry. Approval of the minutes for September 24, 2018. Protection & Policy mMeeting.
- So moved.
- Motion to approve.
- Motion to approve by Alder Steuer, seconded by AlderVanderLeest. All in favor?
- Aye.

- Opposed, okay, that also passes unanimously. We have minutes.
- Okay.
- On to regular business. Item number one. Consideration with possible action on a notice of change of agent for Kwik Trip, Inc. at 515 West Walnut Street, staff.
- Yes, Law Department has no objections.
- [Steve] We concur.
- Motion to approve.
- Second.
- Motion to approve by Alder Steuer, seconded by Alder Stevens, any discussion? All in favor?
- Aye.
- Opposed? That carries unanimously. Item number two, consideration with possible action on an application for a Class A Liquor License by Dousman Fuel, Inc. at 606 Dousman Street. Currently has a Class A Beverage License. Staff?
- Law Department has no legal objections, however, we would like to point out that Dousman Fuel is located across from Fort Howard school. Accordingly, approval would need to be contingent on a 2/3 majority vote of Council per Municipal Code 33.08. Accordingly, any motion to approve just needs to be subject to 2/3 vote of Council. Since the business already has a beer license we have no legal objection. However, there may be a question of policy. This licensee did apply for a Class A liquor license in the fall of 2016, the Committee did approve at that time, however, Council failed to approved by 2/3. Lastly, I do believe PD has some points that they wanted to share on the request. I'll defer to them.
- Okie doke.
- [Steve] Last fall they did fail a alcohol compliance check. We brought in an undercover person and they failed to card that person. We've reviewed calls for service over the last year. There has been some calls for service there in regards to juveniles with disturbance related calls. But it looks like most of it's just a meeting place for juveniles that are agreeing upon meeting at the specific location because it is a downtown area. Otherwise, the community police officers in that area do not have any problems with them getting a liquor license.
- Okay, thank you. I know there's someone here who could speak on this.
- Motion to open the floor.

- Did you also fill out one of the forms out front?

- Is there a pen out there?

- There's a pen.

- Okay, fill that out and we'll take a motion to open the floor. Motion by Alder Steuer to open the floor. Second by Alder VanderLeest. All in favor?

- Aye.

- Opposed? Okay, the floor will be opened in a moment.

- Yes.

- Please state your name and address.

- [Ranbir] My name is Ranbir Sherjill and my address is 1410 Crystal Lake Circle, Apartment eight, Green Bay, Wisconsin. I'm here on behalf of my uncle who couldn't be here. His thing is he would like to get a liquor license and he said he don't want to put anything, any liquor products, on the other side of the counter, so he would like to keep everything behind the counter in the secured area so nobody can get to it. That's the one thing he's willing to do.

- Okay, good to know. Any questions?

- I guess the question's for the police if they could.

- Let's wait the floor is open.

- I'll just ask you one, was there a fine that was paid, was there a fine that was levied against you when they failed the compliance test?

- [Ranbir] I believe all the fines were paid, yes.

- Was there?

- I believe.

- Okay that's fine, thank you.

- Motion to close the floor.

- Any more questions? I'll give you a chance to make one more statement if you'd like any, anything else?

- [Ranbir] No.

- Okay, thank you very much.

- [Ranbir] Do you need this?
- Yeah just put it.
- Motion to close the floor.
- Motion to close the floor by Alder Steuer. Second by Alder VanderLeest. All in favor?
- Aye.
- Opposed? Okay, the floor is closed. Any?
- I have one question. You know we dealt with this issue when with Howe School and there's probably some other schools around the City of Green Bay that have an establishment that's fairly close to them that has the same desires to get a permit or an alcohol license. I guess I'd like to know, maybe, from the police or our attorney, let me know if there are any other situations like this throughout the City where we've had to deal with that. Where it was very close to a school.
- I'm not aware.
- Howe School is something that comes to mind for me.
- [Steve] I do know of the Marathon on East Walnut there's a new school that's a block away from there but I don't know if they've petitioned to try and get a Class A liquor license. Because that school is there I don't know if that's why they haven't done that.
- I think the Shell gas station on Walnut doesn't have, at least, they don't sell liquor there. I don't think they have a liquor license or beer license.
- On Monroe?
- Yes, on Monroe, I'm sorry.
- That's in there, cut right. Their conditional use permit didn't allow for them to sell.
- [Steve] That would be my one concern.
- I'm not aware of any new hours.
- We'd have to open the floor again.
- Move to open the floor.
- Second.
- We opened the floor come one up.
- Motion to open the floor.
- Motion to open the floor by Alder Steuer second by Alder Stevens. All in favor?
- Aye.

- Opposed? Okay floor is open.

- [Sarbjit] I currently operate the Marathon station right by the school the one, the one the officers talked about. The school was built afterwards. The license was there before so it's grandfathered and that's the reason why we never applied for the liquor license. And the Shell station, when they built that, the school was already there. So they knew that that was the condition. They did try a few times, but they didn't get the beverage license.

- Yep.

- So let me ask you. The building itself is there, that's been there for quite some.

- [Sarbjit] The Marathon?

- Yeah.

- Yes.

- Or is that Dousman?

- On Dousman.

- [Sarbjit] Yes, that gas station has been there for a while.

- So, okay they was built, I think the school was there a lot longer though.

- [Sarbjit] No, I was speaking about the Marathon, yes.

- I was just checking.

- All right, that's all.

- Thank you.

- Motion to close.

- Motion to close.

- Motion to close the floor by Alder VanderLeest. Second by Alder Stevens. All in favor?

- Aye.

- Opposed? Okay. I know with the Shell station, it wasn't just that they were close to Howe, it was also there was an issue with homelessness at the time that was gone haywire. I think that's more under control now but this still.

- The school was very prominent though in that discussion.

- Yeah, I have, since the last time I spoke with the school district on this issue about. Because it came up again, not only for that one, but I believe coming by Minoka

- Hill, a restaurant or a bar applied for something. Must have been a new place applying, though, 'cause a transfer, can't remember how it went. Anyway, somewhere, and the school has since taken a neutral position on that. They are not opposed or advocating to not get licenses.

- Well, like I said, all in all, everything's probably in order and all that, which I can agree with. But, like I said, the concern I have is with the school being close by. Some people might say, well, 10 people would be asked that question, seven of them might be against it, three would be for it. I'm just not totally comfortable right now.

- Okay, well, when this came up before it was denied, well, we accepted it at the Committee it was denied at Council. Not because of the school, but because of homelessness issues and Alder Zima, at the time, did not want to see any of the businesses in that band from Velp down to West Mason getting a liquor license because of homeless issues. That was the big concern and why all those have been denied in the past. I'm not sure that that's, I think, we've finally gotten to the spot where that's not so much an issue anymore.

- So you feel that what we have now, it's fine? In essence.

- Initially, it was always in the in the cards that if we could get this under control, the homeless issue, just out of fairness. Because this is, basically, the only band, the only group of convenience stores that are denied this license. I mean that everybody else has got it.

- Was there a moratorium as well, a moratorium?

- No, and this has been the moratorium district.

- That's for other establishments.

- It was just, sort of, a self

- imposed, Council said, we weren't going to accept anybody in this band, for the reasons stated.

- It still has to be a 2/3 vote, correct?

- Yeah.

- Correct.

- So, I'm gonna support it. I think it's time to level the playing field. I mean, if I could put the genie back in the bottle and take these liquor license away from all the convenience stores, I think that would be a nice thing to do. I think that would be a healthy thing to do. But we can't do that. So, I think to make a level playing field is the only thing that's fair. Not the healthiest thing to do, but it's fair.

- I have a question for the City Attorney.

- Yeah, go ahead.

- I was gonna ask you ma'am, these licenses are done on a yearly basis, is that correct?

- Correct, they have to renew, they have to file a renewal application by June 30th, each year.

- And do you ever run into a problem with one particular location where there's a lot of violations.

- Right, right. And at that point, then Staff would be recommending to not renew the license if they're having issues, correct.

- And as far as the Police Department goes you're comfortable with issuing these licenses as far as Class A liquor licenses?

- [Steve] Yes.

- I think that's all my questions.

- Yeah, sure.

- Any other discussion? Is there a motion?

- Motion to approve.

- Motion to approve by Alder Stevens. Is there a second?

- Second.

- Second by Alder VanderLeest. Do we need to vote separately on this or?

- Yes, I'm gonna vote no.

- Okay let's.

- Vote's been started.

- There we go.

- I do feel better knowing that in a year we can look at it again. So, I do feel better about that.

- I agree.

- Yeah.

- It wasn't stated for the record but that would be a motion to approve, subject to 2/3 vote by Council, correct.

- Correct.

- So that passed three to one.

- Okay, so that motion carries three to one. It will go to Council next Tuesday. By the way, everything we do here is just a recommendation to Council. Council has the final say, next Tuesday, 6:00, in the room next door, okay, thank you. On to item number.

- One moment, I just wanna capture this really quick.

- We're on three, we did two.

- Yep.

- I wanna do 2 1/2.

- Yes, we are on number three.

- Item number three, discussion with possible action on General Ordinance number 28

- 18, an ordinance to repeal and recreate Section 6.15 Green Bay Municipal Code, relating to special events. Staff?

- [Celestine] Hello, I'm Celestine Jeffreys, Chief of Staff. I'm joined today by Nate Froemming, our Risk Manager and also Dan Ditscheit out Parks Director, Parks, Recreation and Forestry. So, this special event rewrite, ordinance rewrite, comes to you after many months of hard work and collaboration with many departments. Risk, Neighborhoods, Inspections, Economic Development, Parks, DPW, Police and Fire, Clerk's Office and IT. You may ask yourselves why now? Why rewrite the ordinance now? Well, there are a few things that came up last year. First of all, the departments that deal with special events did not really believe that our current ordinance suited the number and variety of events that we have. While events are definitely more fun in the City, they're also more complicated. The parameters for approval of events weren't always clear. And also Risk Management has been spending an increasing amount of hours on special events. Nate's predecessor, Coleen Hinz, I had asked her to estimate how many hours she and the assistant Sarah, about 10 hours a week on special events alone. The new ordinance does a few things. It changes our current practice in the following ways. It creates a new and easier process for neighborhood associations and small nonprofits to host an event in a park or to host a block party. It creates a new process for all categories of event holders, with some changes that will be coming at the beginning of 2019. An interactive application with a better approval chain. A more detailed instruction booklet. A dedicated special event coordinator which will be a person who's already working, who will have some duties added on. Part of the reason why the, essentially staff, felt that it was important to have a dedicated special event coordinator is because our events have grown from, I was getting some numbers from Dan today. Just in Parks from 86, we've had special events, some 200 special events. We are busy, which is fun and draws people to our community, from many walks of life. But those events require work. We also need to have someone dedicated because some new event holders need more guidance. For instance, a couple years ago we had the Hot Cider Hustle. The Hot Cider Hustle was a new event for Green Bay. They had done it in other communities. But as a result, that just took more staff time. So, we'd also like to increase fees, which is in the ordinance to cover administrative costs. We were very careful to make sure that we were covering our costs and not charging some other kind of number. We're also going to ask event holders to submit with their application, more information that will be helpful to us, such as maps, routes, that kind of thing. The new ordinance takes into account the wide variety of events we have, from small budget filmmaking, so last year, not sure if you were aware, we had a horror movie filmed here in Green Bay, which will be premiering in two days. There were lots of agreements that we had to work on, Joanne had to work on. So this process will help cover activities such as small budget film making, all the way up to marathons. We also lowered the attendance threshold for, to engage public safety. In the past it was 10 to 50,000 people would engage public safety. We've lowered that drastically, because most of our events really are in the thousand to five thousand range. We do have some events that are much larger than that, but most of our events are in that range. When you count both participants and spectators. This also better defines and categorizes events activities. And the number of attendees, and weighs the resources and the risks. We took our time, really looking at all of what we do, all what our people ask us to do and really made a process that is informative for us so that we can help shepherd events. And also allows more events to happen with a clearer path. We had many, very interesting discussions. One of those was about insurance and neighborhood associations having events. So we've better defined how the neighborhood associations can have events in our parks under a, kind of, normal use of a park, so they won't have to take out insurance. That is the 30,000 foot description. I know I had spoken to you to give you an opportunity to think about some questions you may have about this. This is kind of repeal and replace, so there's a lot going on. We're here, like I said, Nate's here from Risk, Dan is here from Parks, and we'd love to answer your questions.

- One quick question Celestine, if it's okay.

- Yeah, go ahead

- What is the fiscal impact?

- [Celestine] Yes, so right now we are currently collecting about \$6,000 in special event fees. That will go up to, what I estimate to be, about \$10,000 and that revenue will offset the cost of added duties for a special event coordinator for an existing part

-time employee.

- Okay, thank you.

- You're welcome.

- So, Celestine.

- Yep, by all means.

- You're talking about a part

-time position.

- [Celestine] Correct, we currently have a part

-time position and those duties, that person will work a few more hours a week, a handful of hours more a week, to cover special events.

- So that person's on place? They're not in place now?

- Yes, they are.

- They are, okay, that's what I wanted to know.

- Currently, special events is being handled by Nate Froemming and Sarah Fiddler and they have other things in Risk Management to do.

- It would be nice to hear from Nate and also Dan. I'd like to just hear their take on all of this as well. When you get a chance.

- [Celestine] Yeah, okay.

- Thank you.

- [Celestine] Any other questions for me?

- Good job Celestine, thank you.

- Lot of work there, thank you.

- [Celestine] Yeah, thank you.

- Gotta arm wrestle for it.

- [Dan] Dan Ditscheit, Parks Director. We've been working very closely with Celestine and all the other departments to draft this ordinance change. This is something that has been cumbersome to staff and there really has been a lot of gray areas, throughout the years, with the number of special events that have come to the City and the variety of them. This really formalizes it. Puts it on paper and really makes it a simpler process for all of the users coming into the City and wanting to host a special event. So, at the Parks Department we're in favor of this and we work very closely with Celestine and the other departments to draft it.

- I have one question for Dan. With these events, do you find over time that they're gonna be repeat events or some of these just a one time.

- [Dan] There's a combination. I mean, most of them are repeat events. If they're successful, the groups wanna have it the next year and host it again. But there are a handful that are a one-time event they're here and gone. It's a combination, but mainly repeats.

- That's all I have, thanks.

- Thanks for doing it, going up to 200

-some events. That's a lot of work, that's good work. That's what we want out of the City. Good job, thanks.

- [Nate] Good evening, I'm Nate Froemming, I'm the Safety Manager, Risk Manager for the City. So, as Dan said, we've spent a lot of time working on this ordinance and trying to make it easy for the users, for the the applicants. In risk management we notice that there's been a lot of time, kind of coaching people through the application process. Not only what to put on the application but what routes do you need to take, how many participants will you have, what kind of insurance do you need and all of those things are intended to be addressed through this proposed ordinance. So that's what we're really trying to do. Is streamline the process, to make it easier for the applicant, to make it easier for the administration.

- Sounds good.

- Doesn't sound risky at all.

- [Nate] Trying to make as little risk as I can.

- Is it quite user friendly then for the applicants? I mean, they still will ask you questions I'm sure.

- Sure, of course they will.

- But not to the degree like they did.

- Yeah, and questions will still come in, I'm sure, and part of that is to be addressed with the online application system. It should tell them exactly what information they need to submit prior to the application coming in. Then, in addition to that, there will be the dedicated special events coordinator who will be there to answer any additional questions.

- Thank you.

- Thank you.

- Thank you.

- [Brian] I'm just taking a look at some of this. And maybe, the one request I would make of the Committee is to perhaps hold this for two weeks. Just to provide, I mean, this is a pretty big rewrite of the way that we

handle events in the community. As someone who manages an organization that obviously does a lot of events, I think it would be to the City's best interests, as well as our community, to have some of our local organizations who actually host events review this and provide some insight and feedback. Just one thing that just struck me, immediately, when I look at this and perhaps, Celestine, you could comment on this. In a large event over 5,000 people, if I'm reading this correctly, it's requiring 21 to 30 officers.

- [Celestine] So, that matrix essentially says that this is a guideline for applicants. It is not a hard and fast rule. But when looking at the number of officers. That was actually, so the previous ordinance had like up to 50,000 people and so it really is a guideline, it could be less. It says here, the police chief or his or her designee may waive the requirement for services depending on the event location, time of year, et cetera.

- [Brian] Okay and then again to me this just underscores of the importance of having some organizations take a look at this. And if this is something that isn't urgent, I think, don't you guys meet every two weeks. I think they have an opportunity to review some of this, because, I just wanna make sure that we're not needlessly or inadvertently maybe doing some things here that are going to put an undue burden on some of our community organizations. Because, again, I understand we could lift that requirement, but that one right there, when I look at it, would sink every big event in this community, I mean, if that's a requirement. I mean it's just, to go from, I think of a farmers market to go from three officers to 30 officers, we wouldn't even do the event. And again, you can lift it, I get that. But I think for us to have that conversation ahead of time. To have the ability to review this in detail with event coordinators in our community that do a lot of these events. Just to make sure that we've got the City side represented in this dialogue, I think that's great. I think we gotta have the other side of the dialogue represented here as well.

- I wanna ask you Brian, what's your concern here, have there been other organizations that you have talked to about this at all or has anybody come forward to you?

- [Brian] Celestine has actually approached me and she's, I mean, I wanna be fair about that. She's come to me and said hey, we're thinking about this or that what do you think. She's kind of sought our feedback when crafting this. But this is the first time that I've actually seen the adjustment. Again, I just, you look at a meeting today, Council in a week, I don't know that that's enough time for some of our community organizations to really, thoroughly, take a look at this and maybe draw some red flags. There's always that perspective of people who have to manage it from the City side, but a lot of times, there's reasons why event organizers might do things the way they do. I think to have that perspective represented before you make that decision, I think, would just be helpful. I'm all for tightening up the ordinance. It's just, again, I just think having a second set of eyes on this would be very useful.

- Two weeks will be enough for you?

- [Brian] I think so. I mean there's there's probably a handful of organizations we can quickly identify that are responsible for a very large percentage of the events in our community. I think just to get this in front of them, to have them review it, say you've got a week to look at it two weeks to look at it, I think it would be a very helpful thing for the City as well to have additional perspective, just to tighten up any loose language that might exist here.

- We did that last year to the three bids. I also spoke to Mosaic this year. But Alder Johnson and I has spoken about that and I think it would be fine for me to take two weeks to go shop this around to a couple of other organizations and to give them the final draft. I'd be amenable to that.

- [Brian] It's not time

-sensitive.

- Not, it is not time

-sensitive. I want this, this needs to go January 1st. The entire thing including the rewrite of the booklet and we've already got a draft of the online, interactive application. So, we do have some time.

- [Brian] The other thing that I'm not seeing here, Celestine, if it's available, is the updated fee schedule.

- Yep, it's attached.

- [Brian] Is it a separate file?

- Yep, it's attached. At the bottom of the ordinance.

- [Brian] I did not see it in.

- I have this.

- Let's see.

- It's not in the packet.

- Oh, sorry about that.

- [Brian] So if we could also have that included for review.

- Sure.

- Okay. That's all I've got, thank you.

- I'll make a motion to send it back to staff.

- Well, we could just hold it.

- Hold it for two weeks?

- What would you like to know in two weeks?

- We'd like to have input from other big organizations on the final draft. And anybody else who you might think might be useful to have, run it by 'em and get their input.

- Okay.

- And I think that's really all we need is just input from those organizations in our community that put on a lot of events.

- Will do.

- Thank you.

- I'll second that.

- Motion to hold by Alder Stevens. Second by Alder Steuer. Any further discussion? All in favor?

- Aye.

- Opposed? That passes unanimously. Okay, on to our last regular item of business.
- One moment just need to, sorry.
- No, no, I wasn't gonna read it yet, I was just gonna prep it.
- I just need to hit current when you read it so that the bookmark is correct.
- Oh, okay.
- One minute. Okay.
- Item number four, discussion with possible action on a General Ordinance 27
- 18 amending Section 27.902, Green Bay Municipal Code, relating to penalties for marijuana possession, previously discussed at the September 24 Protection & Policy meeting. Staff anything?
- Yes, so the Committee previously requested staff to bring back additional information regarding how many citations were issued in residences versus public places, how many people have lost their driver's license in the last six months and how many citations were issued and for what amounts. I conferred with our prosecutor who confirmed with our Municipal Court Clerk that no licenses have been suspended as a penalty for municipal citation of possession of THC. It's not a penalty that's imposed. Lieutenant Mahoney put together a spreadsheet that contains all the other information regarding the number of citations issued, how many were public or private, the location of where the citation was issued and the amounts of the citation. So, the citation amount, I believe, is 600
- some.
- [Steve] The actual fine is \$650 plus costs which comes up to the 880 per citation.
- So, the additional amount is the court costs that are added on to the citation.
- I have one quick question for the City Attorney.
- Certainly.
- Whenever you're ready.
- I wanted to ask you ma'am. What will be the fiscal impact, as far as, it looks like we got 336 for 2018. So far, we got 336 citations. Does a lot of the money that comes in from this does it go towards the drug courts and things like that.
- Yeah, I believe the money goes to Municipal Court.
- [Steve] Yeah, it goes to the Municipal Court. I honestly don't know if any of it's diverted to any of our drug education programs. That would be something for the Municipal Court to let you know about.
- So, basically, you take 336 times \$880 that's the amount of revenue that's generated by these citations, is that correct?
- Yes it is.
- Do you have a computer handy, could you just tell us the amount?

- I'll do it right now.
- Oh, Mark's doing it, good.
- What was it 336 times what?
- 800.
- 880.
- Is that right, 295,000, 295,680.
- If we reduce the fine then \$500, like has been proposed here, how will that impact the finances?
- I'm not a math person by any means but that I'm assuming that the bond schedule would then be adjusted to about, if the max penalty, at this point is a thousand and bond, the citations being set at 600. If penalty max is 500 it'll probably be set around three or four. So, it would be about 1/2 that. That's just, kind of, varied.
- So it would have a fiscal impact on the court system is what you're saying.
- Well, the court costs would still be the same. So the court costs it would still be reimbursed the cost that it takes them to process a citation and either put it forth to trial or have a pre-hearing and things like that. So, the court costs would still remain the same. That would not change, so there wouldn't be a negative impact to the court. It would just be less revenue that we're collecting as a penalty.
- But now, the penalties that we incurred so far we're not hitting that \$1,000 mark is that correct.
- No.
- [Steve] Correct, the actual fine right now, I guess, if you don't include the cost I was told by the Muni court was \$650. So, even though it could be a max of a thousand, the actual fine is \$650.
- Thank you for that information,
- [Steve] You're welcome.
- I don't know this can be answered or not. But the talk is if a lot of these situations would go to court or felonies, that type of thing. I don't even know if there's a way to put some kind of number on that all the time. I'm just throwing it out there, I know it would be very difficult.
- These are not felony charges. This is all municipal.
- Right, I'm just saying if something would happen where if this was such that it was a felony, that would be much more difficult.
- Right, those are different circumstances, different amounts, versus possession of less than 25 grams.
- I've got a couple of letters I'd like to read into, one's from the District Attorney.
- Do you want to do that now or do you want to wait until after we open the floor? Whatever you prefer.
- We can do the floor first, then I can read my information.

- Motion to open the floor.

- Motion to open the floor by Alder Steuer. Second by Alder Stevens. All in favor?

- Aye.

- Opposed? Okay, the floor is now open, anyone who cares to speak on this and make sure you fill out a form if you haven't already. Okay, good.

- [Person At Lectern] Well, good evening. I'd like to express my thanks to the Committee and the Board in general for addressing this. I think it's long overdue and a positive move. Just got a couple points. I do seem to recall the Committee had asked how many people have paid the \$1 minimum fine, I'm getting the impression that is zero. Actually, in practice, it's the fine of \$600, 650? Well, 880 when it's all said and done. So, talking about a range of fines, not really a thing from what I'm getting here. I do believe that any driver's license suspensions and no longer having repeat offenses as felonies is a very good thing. I had a nice chat with Bill Galvin on the phone a few days ago. He expressed that he'd kind of like to bring back alcohol prohibition but even he thinks these aren't good things to do. I would recommend that you up this from 25 grams to 28 grams, 28 grams is a full ounce. If anybody here shops at Costco or Sam's Club you do know that bulk discounts are the thing. Kind of a deal when you are on a fixed income, by the way. Getting back to the fines, I still think the max fines could be lower. I understand the intentions of everyone here and I would just say, however, trust and respect we may have for the current guardians of our civilization that can all change with your successors. Just want to throw that out there. The big thing here, kind of the elephant in the room, if you will, is paraphernalia. That was not addressed in the original draft of all this. Alder Scannell and I have had a couple exchanges about this on social media. Right now, you can legally smoke THC depleted buds, CBD flowers, is how its marketed on the internet. Basically, the same standards as hemp. No more than .03% THC, otherwise they look the same, they smell the same, they burn the same. Everything but the THC is there. The only way you can really tell the difference is to analyze them chemically and I'm pretty sure our representatives from the Police Department will tell you that they do have field kits for these things. However, from everything I've read it seems that these field tests are notorious for producing false positives. Nor have I seen anything to suggest the double

-blind studies have proven that they do not react to the trace THC in hemp flowers or hemp products. Interesting thing, we do consume this it requires the same utensils that would be used for the illegal THC bearing products. At that point you're also conducting similar tests on all paraphernalia to determine whether it had been used in the consumption of THC bearing product. Interesting thing about the state laws on this. Classic tobacco pipes like my Uncle Earl's favorite long stem dryer are specifically excluded as paraphernalia on the state level. Only the manufacturers intent counts. I could take one of those things, pack it full of cannabis, puff on it all day, all night and it would never become paraphernalia, no matter what I used it for. Somehow glass pipes brought back from Vietnam by our soldiers, classic Vietnam word bong, simply means water pipe. Now you're aware of that. I'm sure a number of those, even though they are sold in all the shops around this City as quote, novelties, and not intended for the consumption of THC bearing products are probably getting and generating tickets for paraphernalia even though they would seem to be excluded by state law. Because I'm not sure the state law necessarily specifies wood or plastic, not that those couldn't be incorporated in a water pipe. So, certainly something to consider there. With that in mind, I think the best suggestion I could make here would be, really, just drop the paraphernalia altogether. I don't see any practical way to enforce this moving forward, particularly with legal CBD products and hemp.

- Thank you.

- Thank you.

- Any questions at all? Okay, thank you.

- [Wendy] Wendy Correll, 1473 Grignon. I support whatever the most decriminalization that you can enforce. I think I made it pretty clear last time with a dramatic flair that I do support zero dollar signs. I support, also, no paraphernalia. If you look at the other cities around us we are really behind the game for being the third largest city in Wisconsin. Let's attract and keep professional people here. Sorry. Anyway, I'll have more arguments in front of the full Council because I figure it really doesn't matter what happens here tonight, it matters what happens next Tuesday. Thank you for your time.

- I can take it.

- [Wendy] I'm kind of tethered here.

- Just, any questions? Okay, thank you, anyone else here for this? Please state your name and address.

- [Thomas] Yes sir.

- And you filled out a? Okay, all right.

- [Thomas] Thomas Spencer, 44 Steuben Street. I would like to speak on a couple of matters. Much, of course, have been discussed, but I wanna go a little further. I, as well, favor a fine reduction of definitely less than \$500. I feel, if I have no less than one to no more than \$99 would be fair as a compromise to the City, so that any cost associated with it to the legal system could be covered if that were an option. That being said, I also feel that the option of community service and/or even counseling. In lieu of the fine, especially in cases of low-income offenders, would be a reasonable alternative to said fine even at the one to \$99 level. In addition, the amount of 25 grams, as my peers have said already. To me, it seems to be an odd number. It seems fairly arbitrary. 28 grams being a full ounce. From what I understand is fairly common, a common amount for personal use, especially if we were debating the medical issue. Which, I understand in Wisconsin is not yet a medically legal state. Nevertheless, for those who are not recreational users, for those who are not otherwise a nuisance to the community. The medical user has no other option as sitting in their home and may not have the ability to move around to continue to acquire said medicine. They are gonna be more likely to purchase in bulk and if for one reason or another. Someone receives that citation in their home for their personal supply of up to one ounce, which is for them and them alone, they would be punished at the same level as a large scale drug dealer. As the industry of people that the police are, most likely, actually looking for. Not the end user who is sick and possibly impoverished and possibly unable to move and only capable of doing so in their own home. Also, in addition, on that note, whereas I also opened by saying I feel the fine of no less than a dollar and no more than 99 would be reasonable, I would also like to slightly amend that as reading what certain other municipalities in the State of Wisconsin. First and foremost Madison because it's also, if anyone caught with, I believe, it's 25 grams, Relatively equivalent amount as to what this become or what's being proposed, in their home, they would be subject to no fine. However, being caught with, regardless of the amount, up to the maximum, being caught with it in public, or smoking in public, would then be subject to. Sorry, I don't have the number in front of me but the fine would appear to be a couple hundred dollars. In my opinion, again, especially for looking out for the of the community and to free up the courts from wasting time and resources on people who are otherwise law

-abiding and jamming of course with things that aren't really an issue. If we were talking about protecting a community any private user, who is with a personal amount, in their residence, or I believe, with someone who is also a lawful guest of the owner or legal occupant of the residence, should not be subject to a fine. Whereas, if someone would be caught in their vehicle or in public, a fine would be a little more reasonable in that circumstance, if there is to be one. Looking at the numbers here, that staff pulled, as of 2018, there are, we have approximately an equal number of citations for marijuana as all of 2017. That was up until the end of September, late September, September 26th we're up 3%. That gives us three more months. Which means that 2018 will see more arrests for this, despite this Committee, and partners, and law enforcement all having said in previous meetings, previous Protection & Policy meetings that we all agree we're not trying to fill up the courts. That being said, with already the equivalent of a 75% through this year we are basically tied with last year's arrests. The majority of those, both years, being during traffic stops. Actually, it's about the same

number, but roughly 160 citations issued through traffic stops. That being somewhere out in public. That being something where there is a concern for motorists in the safety of the public. So, reason to, possible reason to, investigate any potential wrongdoing. There's very little reason then, to really cite someone who's driving around with it, possibly under the influence, who knows. The same way as someone who is, again, at their home, quietly and respectfully using and having not done damage to greater society. With that being said too, as I'm looking at it, actually residences and I was looking at the numbers from the owners, the possessors residence or other residence, as it says, also bumping in the number of citations from colleges, schools, that would be to my eyes, that would be mostly the dorms. Probably it's our UWGB which counts as a residence whether or not the university themselves would have an issue with that, I feel should be up to them. But as far as, in the same note, as in your homes, the number of residences the 330-some was about 70 that's 1/2 of all the motor vehicles and then all the rest of the arrests are somewhere out in public. So given that in-home citation accounts for sorry, I'm gonna guess here, about 25% is my math wrong here? About 25% of all citations given, both all of 2017 and 2018 to date. The notion of \$0 fine under 28 grams in the home seems reasonable as 75% of all the people who will still be cited will be out in public. Will be the people that you will likely be finding. And possibly the people who are more likely to be interacting with the public in general and have reason to possibly be stopped. That being said, one moment. I'm sorry. And also so go back to the 28 grams. I also want to speak in favor lastly as the new proposal states, second offenses, any offense past the first offense, no longer being a mandatory criminal charge. I'm not going to speak today to change at all. If you do nothing else, take none of our suggestions, learn nothing from any of the research, any of the data, any of the facts that you have seen around the state, any of that, keep that one. For someone who, say, was in college, got caught, got their citation, they then went on, got their degree. They are now a productive, possibly very successful, member of society. Maybe they haven't even been consuming it for years. Maybe they happen to once, or maybe they have been regularly. Maybe they have a medical condition or whatever. That second offense could ruin a career, or even a college student, a second offense, they're in the middle of their education, to become something, that could be an asset to our community, and our state as a whole. There may be opportunities that they will miss if they get a second offense and that has been heard. For a small, minuscule amount, that perhaps, they're using to go to sleep or whatever it is. For something that is not really a problem. I mean, if we're looking at it from a drug enforcement standpoint, that's not really dangerous, that's not really causing much harm. Why should we ruin lives, make felons, out of people who are otherwise. Then, therefore, remove opportunities from people who are otherwise assets and law-abiding citizens. On that note, I do fully support the removal of the mandatory criminal charge on the second offense. That is all I have at the moment so thank you for your time.

- Questions?

- I have one. Thanks for all your information. Seems like, the more there is, the more there is. But, anyway, you were talking about 75% in your estimation of these issues.

- Yeah I couldn't.

- Well, right, I know. But I'm just saying that that conversation is out there. You have 25%, possibly, and I'm gonna talk to our Police Department about that as well. 25% in home, 75% outside. Are you trying to separate these out and make these two different elements or isn't it one element?

- [Thomas] I'm sorry, yes, perhaps I was not clear on that. I had mentioned this in respect to as I saw in the notes that before this meeting I went and saw the Clerk. Where, City of Madison, up to 28 grams, used in the home, was a \$0 fine. Same in the City of Monona, anyone using in their home or as a lawful guest of someone else's home, so, I go over to your house and you're using. And I also can't get trouble. But in the home it was no fine. There was no citation, there was no financial, I think a forfeiture. However, in public, there is. So, yes, I mentioned this because they're different scenarios. And in other municipalities, that has been successful. But if you're in your home, you don't get fined. If you're in public, you do. It's only 25% of us that are the citations are in the home. It's the minority, by far. So why not at least leave those people.

- Okay, thank you. Appreciate that. That's all I have for now.
- I think it might even be less than 25. Whatever, yep. Anything else? Thank you.
- Thank you sir.
- Anybody else here for this?
- Motion to close the floor.
- Motion to close the floor by Alder Stevens.
- Second.
- Second by Alder Steuer. All in favor?
- Aye.
- Opposed? The floor is now closed. Did you want to read your statements?
- These are statements from the District Attorney's office. Mr. Lasee says, "As I understand the measure seeks "to reduce the maximum fine and remove "the driver's license suspension. "I don't think either of these issues will really "have any impact on our office or at the court system. "There are incidents that are currently being processed "by the Green Bay Municipal Court "and I wouldn't expect that to change. "We have advised law enforcement agencies "to use their discretion and send a higher percentage "of these personal use possessions of marijuana cases "through the Municipal Courts, rather than referring "them to the DA's office for criminal prosecution. "However, reducing the maximum penalty "and removing the driver's license suspension options "takes away some of the flexibility under "the Municipal Court has in determining how "to deal with any particular case. "Also, I am concerned that it sends a message "that marijuana is not a big deal or that Green Bay "is moving toward decriminalization. "I'm, personally not in favor of that message, "particularly for young people as I believe "there are quite a few available studies "that demonstrate the effects of marijuana usage "especially for adolescents." The next I have from the Sheriff. The Sheriff concurs, it says, "I concur with "the District Attorney's assessment of the situation." So, the District Attorney and the Sheriff, they concur with the situation as far as how it's being handled at present, that the Green Bay Municipal Court is handing it. That's where they stand. I also have one other item I'd like to read. This was in today's paper, it's from the USA Today. It says, "Pot worse than alcohol for teens brains." It says, "Marijuana use may pose a greater risk "to the developing brains of teenagers "rather than alcohol consumption according "to a new study. "The analysis published Wednesday in "the American Journal of Psychiatry found "that cannabis had greater short and long -term consequences "than alcohol, on four key components "to teenagers memory. "Findings surprised researchers "which initially suspected alcohol "would be a greater effect. "Patricia Conrod, lead author and professor "of the psychiatric at the University of Montreal, "told USA Today, Researchers looked "at four cognitive functions: Problem solving, "long-term memory, short-term memory manipulation "and the ability to stop a habitual behavior when needed. "Marijuana had significant negative effect on all four, "while the study could not tie alcohol to negative effects, "Conrod said. "However, alcohol's effects may be greater "as teens drink more later in life, Conrod said. "Authors examined nearly 4,000 students "in the Montreal region over four years, "starting when the average participant " at age 13." It says here, "The students took yearly memory tests "and self-reported their alcohol and marijuana use. "These reports were kept confidential "unless such information indicated imminent risk "of harm," authors wrote. Okay, that's my information today that I've gotten there. So, there are some studies about that are going on, involving marijuana for teens, that it has a negative effect. I think that from what we've heard from the Green Bay Police Department the fines aren't exorbitant. There was no \$1,000 fines at this point.

- I do want to clarify that the \$650 citation amount that's the amount of citation, not necessarily how much was actually paid. So, the municipal prosecutor routinely does approve to reduce that fine in order to be able to process the citations. On average, it usually goes down to around 400 depending on the circumstances. If you put that in play against a \$500 max, the bond schedule will set around four, three, then a typical reduction would go down to about two or three. If it's set at, the bond schedule set around three or four. I just didn't want that to be confused with 650, that's what everybody paid, that was just the citation amount not necessarily the amount that was actually being paid by the recipient.

- It's a range.

- Correct.

- I mean there's a citation amount and then our City Attorney, with the courts, will work out a deal, case-by-case, where they think it's fair and appropriate. So, the bond amount really doesn't tell you how much it's going to be paid. I mean, the citation amount doesn't tell you how much is going to be paid, that would be a case-by-case. For staff to get that kind of information would be an horrendous task, to be going through every case like that. I mean, we just gotta take this general information and realize that that's the process, and that's what goes on. We don't know if someone's paying a dollar or when it's all said and done. Or if they're paying the max which would be around 880 or up to the bond limit right, probably. On that, and as far as teen use, this does not encourage teen use. The teens, will always be, even when we legalize marijuana, if we get to that point, it will never be legal for teens. I mean I let you read that into the record, I'm not sure it's relative at all because we're not talking about legalization and we're not talking about making this okay for teens. I think that's one reason why, at first, when I started to do this, I was looking at Madison and Monona and seeing how about reducing the fines as low as possible, to make this more, effectively, as legal as possible and came away with that would be totally inappropriate for us to do that and they're responsible to do that. Because when legalization comes, it needs to come with regulation. And we can't do that. We have to work within the framework that this is illegal, we're not legalizing it.

- That's correct.

- We are just decriminalizing it to the point of reducing some fines, taking away suspension of driver's license, unless it is related to a moving violation. There are laws on the books that will cover that. So, we don't need it here to cover that. It's just a pile-on penalty now, that having talked with the police, having talked with our legal staff, having talked with Judge Hanson, they're fine with taking that out. They don't really need that for leverage, they've got enough leverage as long as we keep the fine at a reasonably high amount to give them enough leverage to work down from that. So I think, and I'm not sure, are there many other ordinances where you can just, that they use a suspension of license as part of the penalty?

- Not that I'm aware of. That if you fail to pay your fine, your license can be suspended.

- But that's a whole different.

- Right, this is where it's part of the penalty.

- Part of the penalty. So no other ordinance does that and I just don't think that that's appropriate at all. It's just a pile

-on that seems totally out of proportion to the offense.

- Correction, for underage drinking your license can be suspended and I believe OWI your license can be suspended. That's part of the penalty.

- Right, but those are moving violations, correct.

- [Steve] I'm not 100% sure I believe underage drinking, even a non-moving violation, the judge can suspend your drivers license.

- That would be another, in our city?

- I'm not sure of that governed by state statute or by ordinance.

- Yeah, that might be something to look at because again, I don't think if it's not involved with a moving violation, I just don't think it's worth it. So, there might be other laws we need to clean up, perhaps, on that. We'll have to take a look. But one thing at a time. Then, I agree, but what really got me going on this was what was mentioned, after a second offense, it goes to criminal court. I really would like to keep things in Municipal Court, things from felony to misdemeanor. I think that's a positive good for the community, for our courts. So, that for me is the biggest crux of the item that I want to make sure that we address and I would like to see changed. The rest is just cleaning up our ordinance to make it more appropriate, make it more fair. It does not legalize marijuana, it does not encourage the use of marijuana. As far as, I think I do want to make a few amendments here. We'll take them one at a time but I'll wait until all the discussion is done before I start offering amendments. Yes, Alder Steuer.

- Thank you sir. Well, there was a lot brought out tonight. I think the one point that was brought up was the 25 grams, kind of an arbitrary number. I have no issue with it going to 28 just maybe that would be one amendment.

- That was an amendment I was gonna.

- Well if you wanna, that's be the one.

- We need to talk about it though.

- Right, that's just something I would suggest. I was looking at the number of citations over time and it looks to me like about 45% are highway, road or alley, so this is almost 1/2, it seems, according to these citations. As far as the amount that is out there. I got for last year as 166 out of 363, that's about 45%. Correct?

- Correct. The highway, road, alley, those are ones based purely on traffic stops. If you see a convenience store, that might be where the person was stopped for retail theft and they were in the convenience store, so they weren't at home. But the occurrence happened at the convenience store. When I compiled these numbers I got approximately a 2/3 out in what I would consider public. To 1/3 at home and in private. Just based on officers, it's their discretion on which one of these categories they put the offense under.

- Okay, well I think before it was 1,000. Some of the folks here are saying zero. I think like anything else, when ordinances are passed, I always feel that there's a period of time that it can be looked at, maybe in a year. You could say, this isn't working or it is working. I'm uncomfortable with the 500. We've gotta do something, you gotta have some kind of fine, I believe. I'll let the other discussion go on but those are, that's just my first thought. Thank you.

- Any other discussion

- My thoughts are that I'm not real favor of changing the ordinance. I think that, from what we've heard from the City staff as far as the Police Department, fines aren't that big. The system's not broken. In other words, marijuana is still a criminal activity in the State of Wisconsin. The federal government hasn't endorsed it and basically what's going to take place here, we're just taking the fine from \$1,000 down to 500 and doesn't sound like we're charging the \$1,000. I think it's up to the officers, to their discretion and I think that \$1,000 fine is a deterrent for a lot of people that. Most people don't even realize how much the fines are that are doing

activity that's not, that's illegal. They find out after they've been caught, basically. I think that the petition at the City level, the state really has the gloves on and the federal government, those are the two. I think they have to be working hand

-in

-hand as far as legalization, as far as medical. And the County Board where we're putting on a referendum about the medical one, about the medical marijuana. They're just gonna get the flavor of the community. If they feel that medical marijuana is, after the November election, we'll find out what the community feels about the medical part of it. As far as the legalization, that failed at the county level. We don't have the jurisdiction to do it to begin with. On the county level or the City level. From what I'm hearing, from the people that are in law enforcement, that I think they got a good handle on what's going on. I don't think they're trying to be over aggressive as far as what they're doing, as far as, I think they're being, working with the public. I think they're doing their job. I'm really not in favor of changing the amount and that basically goes from \$1,000 to 500, that's really what we're changing. As far as that the driver's license, if you have a moving violation and people are under the influence of marijuana they will be arrested. Is that correct?

- [Steve] Yes, we process a like an OWI, or as an OWI.

- So, that kind of covers that as well then. I wanted to ask you, also, about some of these, that I got the list here, about personal residence. Are these, personal residence, that people who have been arrested for, is it because somebody called in a violation or they had a 911 call saying that there's a disturbance going on. Is that how most of these are? In other words, how these arrests are being addressed. Is it because somebody called from the residence that there's a disturbance or, you don't just drop into somebody's home and say I'm checking you for this or that?

- [Steve] Correct. Most of the times that were at the person's residence is for something else and then the marijuana has been noticed so they get cited for that. Yes, we do get calls where neighbors like, I could smell it coming from my neighbor's house. So, we'll go, obviously, investigate those. But I would probably say 2/3, easily, is because we're there for some other type of disturbance and then the marijuana was noticed as we are in the house.

- Okay.

- So, basically, these are violations that are coming to the 911 as a disturbance. Then you investigate a disturbance and then you find one other violation as well as what the first one was addressed.

- [Steve] Correct.

- So, we have multiple multiple citations then.

- [Steve] Correct.

- That answered my questions, thank you.

- Comments. All right, well I just before I go into my amendments, I wanna address just a couple of things. I don't think the fine is a deterrent at all, as you stated, Alder VanderLeest. Most people even know what the fine is. So, I don't think it works to use it as a deterrent, I think it's just a matter of making it more fair. That's why I'm in favor of reducing it. I would like to ask staff a household versus public, there's no way of putting that into an ordinance is there? Can we differentiate between?

- I think we could look into that. Particularly because there are a few municipalities that do distinguish between private and public. Madison does allow a person to possess up to 28 grams in a private place, however, if they possess marijuana in a public place, the fine can be to 100. Same thing for, oh no Milwaukee is all public thing. So, I think the only one that distinguishes between private and public, at least from what I'm seeing, is Madison.

It's just Madison. Monona distinguishes, but Monona basically says, 21 and older are permitted or their lawful guests can use marijuana at their residence and 21 and older can possess at any location, regardless of public or private. So that is something we could look into it that would be up to the Committee's discretion to change that.

- Okay, well. I'd like to make some changes right off the bat here. As I understand it, 28 grams is what the state?

- The suggestion from state statutes was 25 for municipalities to regulate 25 and under. However, there is no legal reason why we can't raise the amount to 27 or 28. I think it's like 28.88 something is one ounce.

- Okay, I would like to make a vote. We'll do one motion at a time. I'd like to amend the ordinance to up it from 25 grams to 28 grams.

- Second.

- Second by Alder Stevens. Any discussion on that? Should we vote on the board?

- Vote on the board.

- Better vote on the board for each amendment, yes, we should vote on the board. Are they all tallied?

- Alderman VanderLeest hasn't.

- Mine hasn't come up yet.

- Okay. How would you like to vote?

- I'll be a nay.

- So, that vote passes three to one, with Alder VanderLeest voting no.

- Okay, then the next amendment I would like to include would be adding community service as a possibility to the consequences, that can be a fine and/or community service.

- In lieu of a fine?

- In lieu of a fine or in conjunction with a fine.

- Okay and that is your motion?

- Yep.

- I'll second.

- Second by Alder Steuer. Any discussion on that? Okay let's go to the board.

- Is that a fine or just community service?

- Or both.

- In lieu of a fine or in conjunction with a fine.

- It gives them more options, they can. No vote?
- Yes, one second.
- Okay.
- That was a motion by Alder Scanell, second by Alder Steuer?
- Alder Stevens, that one.
- Stevens. The vote should have started.
- Nothing popped up. Oh, here it is.
- There it is.
- Mine's not popping up yet.
- At all, okay.
- Sorry.
- It's not your fault. But you're grounded, two weeks.
- Alder VanderLeest how would you like to vote?
- That's be a nay.
- All right, so that motion passes, three to one, with Alder VanderLeest voting no.
- Then the only other item for me then, is the household versus public. I'm wondering if we need to hold this then for two weeks for staff to work on this and get back to us. I mean, I don't know if we can do something with that tonight.
- I guess we would just need specifics as to if you want to split the fine, I'm not sure how to distinguish between if you wanted a different set of penalties or fines for private, versus possession in private, versus possession in public.
- I would think so, yeah.
- Okay, so we would just need those specifics unless you wanted us to come up with suggestions and bring that back.
- I would think suggestions and also suggestions on a fine amount.
- For private versus?
- Yeah.
- Private versus public, okay.
- I do have one comment on that. When you say private, it should be privately owned residence.

- Okay.
- So, not a renter?
- Right.
- The reason being there's too many people in that vicinity.
- Okay, we can start there.
- So, with the amendment, staff can make those changes. And then bring those proposed changes for the distinction between private residence and public space and then bring that back.
- Okay, and then the only thing I forgot to address, I wanted to, was paraphernalia. That's a sticky wick because most paraphernalia used for marijuana could also be used for other drugs. So, how to say to to not take a pipe. Remove pipe.
- Distinguish?
- Yes, distinguish, that'll do, thank you.
- You would need a motion to on the referral to staff. I don't think we had a motion for that.
- Well, I was.
- Okay, you were going to.
- Yep yep.
- Okay.
- I just want to make this last comment before I forgot. So, to distinguish between a pipe used for marijuana and a pipe used for crack is really, well, wanna make a comment? Move to open the floor.
- Motion to open the floor.
- Motion to open the floor by Alder Steuer.
- Second.
- Second by Alder VanderLeest. All in favor?
- Aye.
- Floor is now open here.
- [Person At Lectern] I would simply suggest that although it may be very difficult to tell the difference between a pipe that's been used to smoke a THC bearing product, versus a legal non
- THC bearing product, it's very easy to tell the difference between a pipe that's been used to smoke marijuana, versus crack, versus meth, versus other substances. I think it stands out rather clearly.
- Perhaps that is something staff can come, we can add that to them, to the any other question?

- We could look into that.
- There's ways we can make distinguishing.
- I think it would be very difficult but we can look into it.
- And then they'll have a report back and we can figure out.
- So, between marijuana pipes and other types of pipes?
- Yeah. Because, I know, I mean like even if you talk, like a scale, how do you know what's being weighed. Well, we're gonna send it.
- [Person at Lectern] The very fact that the ambiguity exists suggests to me, that it would be very difficult to prosecute the case.
- Other paraphernalia as a hold. Let's get back to it, let's get more info and let's get back to it. Okay, thank you. Anything else?
- Nope.
- Thank you.
- Motion to close the floor.
- Motion to close the floor by Alder Stevens.
- Second.
- Seconded by as Steuer. All in favor?
- Aye.
- Opposed? Floor is now closed.
- I'm sorry, motion to close by Alder Stevens, second by Alder Steuer?
- Yep.
- Okay. If you have both paraphernalia and private versus.
- Too, right, for staff to look into changing the fines for possession in privately owned residences, versus public spaces and to distinguish between marijuana pipes and other types of pipes.
- So you'll reach out to the police and Municipal Courts to get their input on this too, that would be super.
- Is that one motion?
- To refer to staff.
- You wanna make the motion?

- I'll make that motion.
- That motion is made by Alder Steuer, second by Alder VanderLeest.
- Alder Stevens.
- Alder Stevens.
- Okay, Steuer, Stevens.
- Yep, all in favor?
- Aye.
- Nay.
- And a nay.
- Okay, it goes back to staff, three to one.
- Did we, I heard a nay?
- It was me.
- Okay.
- Should we do it on the board?
- Yes.
- Okay, my board is not working here.
- She'll mark you as a nay.
- I'll mark you as a nay. That passed on a vote of three to one with Alder VanderLeest voting no.
- I think we're getting close. That does our regular business. Informational, Liquor Violation Report from the Police Department for October 8, 2018.
- [Steve] From September 24th to October 8th there were no liquor violations, ordinance violations. We did issue one warning, to 219 North Washington Street. The owner of the building, for maintaining a public nuisance. That's all we have on the liquor violations.
- Yeah, 219 North Washington Street, I think I know him. Okay, anything on that gentleman? Questions or anything for the?
- Motion to receive and place on file.
- Receive and place on file by Alder Steuer.
- Second.
- Seconded by Alder VanderLeest this time. All in favor?

- Aye.
- Opposed? That passes unanimously.
- Motion to adjourn.
- Second.
- Hang on.
- No, there's nothing on there.
- Now I am, yep.
- Motion to adjourn.
- Motion to adjourn by Alder Steuer.
- Second.
- Seconded by Alder VanderLeest. All in favor, hold your breath.
- Aye.
- Aye.
- Opposed? We are adjourned. Yep thank you everyone, I think we did good work today.
- I have a whole new respect for the English language after listening to you today.
- Yeah. I'm trying to remember how to.