



MINUTES OF THE PROTECTION AND POLICY COMMITTEE

**MONDAY, MARCH 25, 2019, 5:30 PM
CITY HALL, ROOM 207**

A. ROLL CALL.

Present: Ald. John VanerLeest, Ald. Randy Scannell, Ald. Mark Steuer, Ald. Craig Stevens

Also present: Assistant City Attorney Kristen Johnson, Lt. Steve Mahoney, Chief of Staff Celestine Jefferys, Fire Chief David Litton

B. APPROVAL OF THE AGENDA.

I. Approval of the agenda for the March 25, 2019 Protection & Policy meeting.

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

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

C. APPROVAL OF MINUTES.

I. Approval of the minutes of the March 11, 2019 Protection and Policy meeting.

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

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

D. REGULAR BUSINESS.

I. Discussion with possible action on an ordinance amending and creating sections of Chapter 24, Green Bay Municipal code, relating to fire prevention code.

Moved by Ald. John VanderLeest, seconded by Ald. Craig Stevens to approve an ordinance amending and creating sections of Chapter 24, Green Bay Municipal code, relating to fire prevention code. Motion carried.

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

2. Discussion with possible action on an ordinance creating section 27.405, Green Bay Municipal Code, relating to possession of tobacco and vapor products by minors prohibited.

Moved by Ald. Craig Stevens, seconded by Ald. Mark Steuer to approve an ordinance creating section 27.405, Green Bay Municipal Code, relating to possession of tobacco and vapor products by minors prohibited. Motion carried.

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

3. Discussion with possible action on a request by Ald. Brunette, which reads: "For the City to develop a resolution, or policy and procedure to notify property owners near parcels of land with a pending or approved application to be transferred from fee to trust status. My overarching concern is for the City and the Oneida Nation-in goodwill- to notify affected property owners of the new governing jurisdiction, code enforcement, and zoning authority of the parcel recently transferred or applied to be transferred, and to provide an official forum for public input and comment."

Moved by Ald. Mark Steuer, seconded by Ald. John VanderLeest to hold a request by Ald. Brunette, which reads: "For the City to develop a resolution, or policy and procedure to notify property owners near parcels of land with a pending or approved application to be transferred from fee to trust status. My overarching concern is for the City and the Oneida Nation-in goodwill- to notify affected property owners of the new governing jurisdiction, code enforcement, and zoning authority of the parcel recently transferred or applied to be transferred, and to provide an official forum for public input and comment." Motion carried.

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

4. Discussion with possible action on a request by Ald. Dorff, which reads: "I believe that steps must be taken to ensure that infra structure projects, including but not limited to those that the wheel tax will fund, must be chosen very carefully and be placed into a capital improvement plan. I am requesting that P and P develop policy with the help of DPW, legal and other appropriate staff. This policy must be developed so that the special interests and requests of individual alders do not subvert the process of choosing the projects that have been carefully researched by city staff as being appropriate for placement in a five year plan. Parameters for choosing streets to be repaired, reconstructed or resurfaced as well as other infra structure improvements should be clearly identified within this policy."

Moved by Ald. Craig Stevens, seconded by Ald. John VanderLeest to hold a request by Ald. Dorff, which reads: "I believe that steps must be taken to ensure that infra structure projects, including but not limited to those that the wheel tax will fund, must be chosen very carefully and be placed into a capital improvement plan. I am requesting that P and P develop policy with the help of DPW, legal and other appropriate staff. This policy must be developed so that the special interests and requests of individual alders do not subvert the process of choosing the projects that have been carefully

researched by city staff as being appropriate for placement in a five year plan. Parameters for choosing streets to be repaired, reconstructed or resurfaced as well as other infra structure improvements should be clearly identified within this policy." . Motion carried.
Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

E. INFORMATIONAL.

I. Liquor Violation Report from the Police Department for March 25, 2019.

Moved by Ald. Mark Steuer, seconded by Ald. John VanderLeest to receive and place on file the Liquor Violation Report for the Police Department for March 25, 2019. Motion carried.

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

F. ADJOURNMENT.

Moved by Ald. Mark Steuer, seconded by Ald. Craig Stevens to adjourn at 5:55 p.m. Motion carried.

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

VERBATIM MINUTES

- Should we hold it until, thank you for being here?

- No.

- Instead of the next one?

- Well hopefully they'll be here. So, we're all set?

- I believe so, let me just see here.

- Oh, here we go.

- Vicky got in. Craig, are you in?

- No.

- Did you, yeah, 'cause I just changed your password.

- Oh.

- So that's what it is.

- Okay, but he's not sure of his user name either.

- J Vander Leest.

- Oh.

- J Vander Leest.

- Okay.

- It's on there.

- Do you know how to spell that.

- Yep.

- Oh wait, wait, wait, wait.

- I know I know.

- Okay. Put that in.

- Just the one?

- Yep, yeah, one, two, three.

- Is that your chair?

- Oh no, here we go, wait, wait, wait. May I?

- Sure.

- There you go.

- I changed the time because this says 6:30.

- Okay, password.

- Oh, really.

- And how, now, do I go back to, oh, it's right here.

- Keep this one right here.

- Turn on your sync.

- How do I set for it?

- Um, hit zero.

- This one's supposed to come over. There that should be.

- What?

- There they are, when they're ready.

- Alright.

- Is he in?

- Well.

- That's a deep subject.

- Sorry about this.

- Well your other screen came up.

- There it is.

- Oh there it is.

- Yep, yep, yep.

- Okay, yeah.

- Try it again.

- Try meeting. There you go.

- Thank you.

- Are we all in?

- Yep.

- Thank you.

- Okay. The meeting for the Protection and Policy, for March 25, 2019 is now in session, hear ye, hear ye. I'll take a motion to approve our agenda.

- Motion to approve.

- Roll call?

- Yep.

- Motion?

- Roll call.

- Should we do that again? Roll call?

- We didn't do roll call.

- I did, yeah.

- Oh yeah.

- Scrolled down too fast.

- Yep, you're excited.

- Before the agenda, roll call, let's see who's here, Alder Stevens?

- Here.

- Alder Vander Leest?

- Here.

- Alder Steuer?

- Here.

- And I, Alder Scannell, is also present. Okay, now I'll take a motion to approve the agenda.

- Motion to approve.

- Second.

- Motion to approve, Alder Vander Leest, seconded by Alder Stevens. All in favor?

- [Together] Aye.

- Opposed? That passes unanimously. I'll take a motion to approve our minutes from March 11th, 2019, Protection and Policy--

- Wait, hold on.

- Hold on.

- Alder, hold on.

- Okay. It's okay.

- Okay.

- Who moved and seconded the motion to approve the agenda?

- Alder Vander Leest made the motion, Alder Stevens seconded it.

- Okay.

- Steuer thirded it.

- I then, vote.

- It was unanimous.

- Unanimous.

- Thank you.

- But this is, my laptop died, so this is a loaner, and it's older, so it's taking a little bit of time.

- Well I think we should always blame IT.

- Okay, alright.

- Okay, motion to approve the minutes?

- So moved.

- Moved by Alder Steuer. Seconded by Alder Vander Leest. All in favor?

- [Together] Aye.

- Opposed? Okay, we have our minutes.

- Alright.

- Okay, onto regular business. Number one, discussion with possible action on an ordinance amending and creating sections of Chapter 24, Green Bay Municipal code, relating to fire prevention code. Staff?

- We would defer to the Chief of the fire department, who is here in attendance. I did work on drafting this, so if you need to ask specific questions about that, but it was at their direction, so I can let him speak to those changes.

- Chief.

- I take it you're the one who, uh--

- [David] Good evening everybody.

- Yep.

- Good evening.

- [David] Actually, Joe Gabe, our Fire Marshal, who is in charge of that division, who runs our code enforcement for the fire department, as well as inspections, and things of that nature. But, essentially every six years, the International Fire Code is updated and revised. And that is in, the way that we can adopt that is through the State, so they are, we're in 2019, we're adopting 2015 code. But the State is kind of that far behind, like in adoption process. So we're asking you to adopt the amended 2015 code, with the document that you see before you, with a few amendments to that, most notably would be the last couple of pages, in regards to fire pits. So we have some very specific things that we wanted in there for recreational fire, fires, cooking fires, and fire pits. Ourselves, undoubtedly the most complaints we get on an annual basis would be for people that are outside having recreational fires.

- Fires, yep.

- [David] Probably 10 to 15 complaints a year at least. So we have tried to document in the requirements before you, measures that allow people to enjoy an outside recreational fire pit, yet not create a nuisance for their neighbors. And so you'll see, that for an in-ground fire pit, so people will build them with concrete block, and yard blocks, and so forth, they have to be 25 feet away from any structure. That's because those do not have spark arresters on them. So people are burning their wood in a pit, and sometimes you get sparks off of that, depending on what kind of wind you have, and they can travel, and it can go to a structure, and it can cause a fire. So 25 feet is kind of the accepted distance between the pit itself and another building. Down further you'll see that portable fire pits only require a zone of 15 feet because those are required to be UL listed. All of those come with spark arresters, or essentially a screen that goes over the fire. So that keeps the sparks in place. Now you will see some that are built that don't have those spark arresters. Those would fall under the 25 foot ban requirement. So that's the difference between the two, so that you understand it if your constituents are asking you what's the difference, that's really the difference of the thing. And finally, the last clause in there gives me the ability to ban any of this going on, depending on weather conditions and things of that nature. We have had a situation in the City over the last several summers where we've had an ongoing dispute between neighbors, where a citizen has asthma, and an individual next to them was burning, and the smoke was going into her home, and creating a health hazard for her. And essentially I had to shut that down. I had to tell the individual that he couldn't burn, because it was a health hazard. And so it kind of gives us a little bit of leeway in that regard, not trying to infringe on anybody's rights, yet keep everybody healthy as well.

- I'll have to talk to you later on, I think I might know, is that on the west side?

- [David] No, actually it's not.

- Oh really.

- [David] Well, I won't go into any specifics then. And if there are other situations that arise out there, our fire inspectors are really good about handling those things, and explaining this whole process to people. But, literally it gives some direction and some discretion to us in those circumstances. You're also adopting the State, you'll see in there, the ATCP 93, so what that is, that's this document, right here, big document, again, it's the Agriculture, Trade, and Consumer Protection Code issued by the State that has to do with flammable liquids, and tanks, and things of that nature. So it's referencing, what you're approving is this document, so you can certainly re-do it if you'd like. It's pretty boring, but, unless you're in the fire business like we are. And then the International Fire Code, this is 1/2 of it. So all of the codes that go into new construction, means of egress, and emergency lighting, and fire extinguishers and sprinklers, and hood systems, and all the things that we are reviewing as we are out doing inspections, and we're reviewing new plans for construction in the City. So I have the other half if you'd like to take a look at that as well.

- Trust me, you don't.

- [David] So that is what we're asking you to do.

- I don't have a burning desire to--

- [David] I guess the other things we should cover real quick, as we are asking that the fine amounts increase, from 500 to 1,000, and in the second section there, we're dropping it from 500 to 250, and then section two of that would be 1,000 plus costs. So that means if we have to get into court, we're fining somebody and we're going to court, we have to have attorneys go there, and so forth, then we're gonna recover, if you write a violation, and then if the judge so orders, we recover our costs and things as well.

- And that correlates with our regular inspectors, the housing and building as well, so it kind of fits more in line with them. And then one other thing, too, Chief, is the re-inspection fee is going up from \$30 to \$50.

- 30 to 50?

- [David] To 50, and that brings us into line with Allouez. We protect the Village of Allouez, as the fire department itself, so we're just bringing those two things into line with each other. We did exactly the same

thing with the ambulance rates. You'll remember we raised the ambulance rates, maybe six months ago. Allouez's rates were lower than our rates. So I went to their city council and asked them to raise their rates up so they were exactly the same. And they did so as well, so. We're trying to align our service area with the same kind of costs.

- You had some questions?

- I had a few comments. Thanks Chief, for coming in.

- [David] Sure.

- On page two, I just noticed, in section four, in the when to be issued, and it seems to be at the discretion of the Chief. And you have about six, or five items that were deleted. So is that, is it important to delineate here, or is this just to be understood, that it's up to the discretion of the Chief to, you see section four, section 24.06.

- [David] Yep.

- There had been, when to be issued, there was number one, and then there were five descriptions below it, and those are all crossed off. And it says, more or less to the discretion of the Chief. So I'm just wondering, is it important to delineate on this document, or is it just to be understood?

- [David] They got all those circumstances, where I remember, right, are now co-covered under the International Fire Code.

- Yeah, and when we were discussing it, there was only like you said, Alder, there were only five listed here. There's so many dangerous and hazardous conditions, that it was, to put out five of them was a little arbitrary. So we just deleted that, and then allowed just any dangerous or hazardous conditions, as determined by the fire department.

- So we leave it to them, okay.

- [David] And we really, it really is in line with what's in the International Fire Code. This Code's the minimum code. It's borne out of problems. When we have major fires, the Code gets updated, things that have happened, whatever. So this is not a maximum standard, it's considered a minimum standard in the world, it's the International Fire Code.

- That's every, how many years, that it's updated?

- [David] I believe it's coming out every three years, but the State only adopts every six. That's the path that they've chosen. And under State law, we can only adopt what they're adopting, so that's why we're before you here, asking for the signature update, for the 2009 to the 2015.

- Okay.

- And hopefully to alleviate, sorry to interrupt you, but hopefully to alleviate some of this in the future, we did add that the most current edition, and any subsequent editions as amended from time to time shall be then incorporated in this ordinance, so that hopefully we don't have to come back every three years for whatever.

- Oh come on. Get the band together every three years, come on.

- Alright, on section six, on page three. It just talks about the person with a violation would have 14 days to correct the deficiencies. Are there extensions ever give to this, or is that considered a safety issue? You know, what might--

- [David] It depends on the issue. If it's considered immediately dangerous to life and health, we'd order to be immediately remedied.

- Immediately, okay.

- Immediately. Except we give them 14 days to comply. If there is extenuating circumstances, they certainly can ask for an extension to that, and I can tell you that probably 99.9% of the time they're granted.

- Okay, alright.

- Some of the issues we run into, though, if you've given them 30 days, and then you go back in 30 days, and they're like, oh, I need 30 more days.

- Mm hm.

- That kind of thing.

- They haven't thought much.

- So they can try to perpetuate things. And really we don't have enough staff to continually be going back to these facilities. I think we're doing somewhere around 5,000 inspections every year. And in every one of those inspections, generally, sometime, well I shouldn't say all of them. But probably 40% of them, generate a second inspection, and then another 25, a third inspection. So, we expect people to comply.

- Alright.

- [David] Where they can.

- I'm sure there's stuff like--

- It's stuff like exit lights are out. Well change the bulb. Or if it's an LED one, put a new, you gotta put a new sign up if it's an LED one. Fire extinguishers may be out of compliance. Those are the common things, like people using extension cords, people blocking exits, or blocking electrical equipment.

- Right, okay.

- [David] Stuff like that are really the common things that we run into, it's just kind of common sense things, that we point out to them.

- Okay, alright, that's good. A couple more.

- Yeah, yeah, that's, go ahead, whatever.

- Okay, on page four, under section nine. The one that has been added, quite a bit has been added.

- [David] Yep.

- When you're talking about the fire pits, the 25 foot set-back, I think one of the issues that some of us have in our districts, especially in the central city, are the small yards. So the 25 foot set-back is that, did that change from 30 down to 25 now, or was there a different number recently?

- [David] It's always been.

- It's always been 25?

- It has always been 25, yep.

- From any structure, so it could be like a fence--

- [David] This is when it's considered a permanent pit.

- Oh, okay.

- So this is the kind that's gonna be concrete, or the landscaping blocks that people use to build these things. Now you can buy the kits at Menards and Home Depot, and all the other places.

- But in the past there were portable pits where people would move them around the yard.

- There's portable ones too.

- Portable pits are 15.

- I understand.

- Okay.

- But I'm just looking at the set-back, you know, the set-back has always been defined. Especially in small yards, I mean there's a lot of time they don't have the room.

- [David] Then they'll have to go to the portable device, with the spark arresters on there.

- Okay, as long as there's something to cover that.

- [David] Or, if they put in a permanent one, and they have a spark arrester manufactured to cover that, or they have like Menards does do that, we would consider that under the 15 foot.

- So the spark arrester would be 15.

- [David] Yep.

- Okay, well that's good. Maybe one more, I don't know if I read over some of this stuff, but anything with fireworks at all in here, or is that, that's not listed? We'll deal with that at another time.

- [David] Fireworks is covered completely in this book here.

- Right, okay, we'll deal with that at another time. One other point on the last page, you were talking about burning as prohibited when the wind is in excess of 10 miles per hour.

- [David] Yep.

- Does that seem to be hard to enforce, something like that?

- [David] No, because really what we're talking about there is really to the nuisance complaints, when people are complaining about smoke blowing into their yard. When we get a very high humidity day, when it feels like you're breathing cheese, so to speak, when the smoke's holding to the ground. Those are times when we get complaints. We get complaints when the winds are high, and it's blowing across the lot lines into other peoples' back yards. You may be trying to sit outside not wanting to be smelling the smoke. So 10 miles an hour is kind of a, we checked Appleton, and Oshkosh, and in Menasha, that's kinda like the--

- It's a standard.

- It's a number.

- Alright, I'm good, thanks.

- Can I get a smoke catcher?

- Uh, just two questions, Chief, I have. Anything in this that you're concerned about? Anything we should?

- [David] I wouldn't be before you if there were.

- Okay, that's what I thought, and just wanted to double check. And then lastly, when changes are made, how are the public informed of this?

- [David] Well, we'll advertise all these changes, the fact that the new code was adopted, and especially the fire pit thing, as I said, it's probably one of the things that generates the most constituent concerns or questions. We'll make sure that it gets up on, not only the City's website, but our Facebook page, our fire department website, we'll advertise it, clearly, after you've adopted it at the Council.

- Okay.

- Motion to approve.

- Second.

- Thanks Chief.

- And of course the City's published it as well.

- Motion to approve by Alder Vander Leest.

- Second.

- Seconded by Alder Stevens. Any further discussion? All in favor?

- [Together] Aye.

- Opposed? Passes unanimously.

- Awesome.

- Imagine that.

- [David] Thank you.

- Thank you Chief.

- Thank you.

- [David] Have a good rest of your night.

- Thank you Chief, appreciate it.

- Okay.

- On to item two. Possible action on an ordinance creating section 27.405, Green Bay Municipal Code, relating to possession of tobacco and vapor products by minors prohibited. Staff.

- Sure, so we drafted this ordinance at the request of Alder Scannell. It's modeled primarily off of an ordinance drafted by the City Attorney in Neenah, which has been used, I've noticed too, in Suamico and some of the surrounding areas, I think Appleton used similar one. We tweaked it a little bit, just to fit our City. Notably for your reference, there is no penalty listed in this ordinance, it would default to the general county section, which is a \$1 to a \$500 fine. And then it is going to be in the section related to juveniles, because, again, it's prohibiting minors from possessing these products.

- Yep.

- And then it also prohibits retailers from selling to minors, which again, Alder Scannell we discussed. So if you guys have any questions, feel free to let me know.

- Yep, I think this looks pretty good. There was just a, it was brought up earlier today, and I was gonna, this is mostly for the sale, right, we're not really going after the minors, ticketing minors with this.

- No, it would be possession or use. We could ticket minors, and we could also ticket the retailers for selling to them.

- Okay.

- Where is that listed, as far as the fine.

- It's not, because that is a juvenile section.

- It's just under.

- That's just?

- That's in 27.901, so it's a separate section that discusses the general county and that applies to all of Chapter 27.

- Okay, so that, alright.

- One to 500 I think is sufficient.

- Standard.

- And as always, the police department, I don't know if the police department wants to speak to that, but they can always use their discretion and issue warnings, as this gets into transition. But that's kind of up to them.

- Okay.

- Okay, anything?

- [Man] Well we agree with the law department, like she said. Normally underage tobacco products is not something we actively go out and ticket. If we have issues or problems with it in certain areas, or with certain sets of juveniles. Normally we do give warnings at first. So it's not like we'd be going out writing tickets left and right. It does help us, because in terms of testing a vape for tobacco, there is no presumptive test that is on the market to be able to test it to know if it has tobacco products. So that's why we like that it encompasses all vape.

- Yep.

- Sounds good.

- Motion to approve.

- Motion to approve by Alder Stevens.

- Second.

- Seconded by Alder Steuer. Any further discussion? All in favor?

- [Together] Aye.

- Opposed? That passes unanimously.

- Okay.

- Onto three, discussion with possible action on a request by Alder Brunette, which reads, for the City to develop a resolution, or policy and procedure to notify property owners near parcels of land with a pending or approved application to be transferred from fee to trust status. My overarching concern is for the City and the Oneida Nation, in good will, to notify affected property owners of the new governing jurisdiction, code enforcement, and zoning authority of the parcel recently transferred or applied to be transferred, and to provide an official forum for public input and comment. Alder Brunette, I spoke with him. He could not be here today. And he would like us to just hold this item, so.

- Motion to hold.

- Motion to hold by Alder Steuer.

- Second.

- Second by Alder Vander Leest. All in favor?

- [Together] Aye.

- Opposed? Okay, we're holding that item. Discussion with possible, oh.

- Hold on, one second.

- Yep, yep, yep.

- Okay, ready.

- Discussion with possible action on a request by Alder Dorff, which reads, I believe that steps must be taken to ensure that infrastructure projects, including but not limited to those that the wheel tax will fund, must be chosen very carefully and be placed into a capital improvement plan. I am requesting that P and P, that's us, develop policy with the help of DPW, legal, and other appropriate staff. This policy must be developed so that the special interests and requests of individual alders do not subvert the process of choosing the projects that have been carefully researched by city staff as being appropriate for placement in a five year plan. Parameters for choosing streets to be repaired, reconstructed or resurfaced, as well as other infrastructure improvements, should be clearly identified within this policy. And again, I spoke with Alder Dorff. And she could not be here. And she's asked us to hold this item, so.

- Motion to hold.

- Motion to hold by Alder Stevens.

- Second by Alder Vander Leest. Any discussion? All in favor?

- [Together] Aye.

- Opposed? That is being held. We are onto the informational. Oh, well, wait, wait, wait, I'll slow down.

- There we go.

- Liquor violation from the police department for March 25, in the year of our Lord, 2019.

- [Man] We have no violations.
- No violations.
- Motion to receive and place in file.
- Motion to receive and place in file by Alder Steuer.
- Second.
- Second by Alder Vander Leest. All in favor?
- [Together] Aye.
- Opposed? That passes unanimously. And?
- Motion to adjourn.
- Motion to adjourn by Alder Steuer.
- Second.
- Seconded by Alder Stevens. All in favor?
- [Together] Aye.

- Opposed? I guess we're done. Good job everyone.

- Thank you.

- Now you wanna make sure, you--

- Leave the meeting.

- Do I go to that X right over here?

- You go back to, agenda.

- You gotta go back to agenda.

- Hit agenda.