

MINUTES
ADVISORY COMMITTEE
Wednesday, October 22, 2008
City Hall, Room 604
6:00 p.m.

MEMBERS PRESENT: Council President Chris Wery, Council Vice-President Tom DeWane, *Ald. John VanderLeest (arrived late), Ald. Celestine Jeffreys, Ald. Jerry Wiezbiskie, Ald. Andy Nicholson

MEMBERS EXCUSED: Ald. Tom Weber

OTHERS PRESENT: Mayor Jim Schmitt, Ald. Amy Kocha, Chief Jeff Roemer, Atty. Allison Swanson, Scott Matejov, Keith Pamperin, Taku Ronsman, David Gauthier, members of the media

1. Call to order.

The meeting was called to order by Committee Chair, Ald. Chris Wery at 6:00 p.m. At the start of the meeting all members were present with the exception of Ald. Weber who was excused and Ald. Vander Leest, who arrived late.

2. Approval of the agenda.

Motion made by Ald. DeWane, second by Ald. Nicholson to approve the agenda. Motion carried.

3. Approval of the minutes of the September 10, 2008 Advisory Committee meeting.

Motion made by Ald. DeWane, second by Ald. Nicholson to approve the minutes of the September 10, 2008 Advisory Committee meeting as submitted. Motion carried.

4. Discussion on rescue services for surrounding communities.

Chief Roemer said he was here to give an update on what's going on and said the City has an agreement with the Town of Scott to cover a portion of their area based on the annexation agreement of five years ago. He indicated that this agreement is coming to an end and the Town of Scott was very interested in talking to us about providing EMS coverage for the whole town. He said that went further to include New Franken who covers that area and said it would be great to provide Fire and EMS and said the city was asked to give a presentation to all three towns: Town of Humboldt, Town of Scott, Town of Green Bay on what we can do to provide both EMS and Fire. He said they gave the presentation and are waiting for the town boards to get back to him as to what they would like to do.

Chief Roemer said he has been attending the Ritter Forum which is talking about functional collaboration and how fire departments can work effectively and efficiently together. He indicated that everyone will keep their own identity.

Ald. Wiezbiskie inquired if this would mean moving an ambulance from Station #5 to Station #7, with Chief Roemer responding that they are talking about 250 rescue calls per year for all three townships and 60 fire calls (we would not respond to all of them) stating that this is not enough calls to look at adding those numbers back right away but said the potential is there, with the growth potential. Ald. Wiezbiskie said he appreciated receiving the packet of information from the Fire Department stating that he read it and was impressed with the information. Ald. Wery said that he believed the information came from the Union, which Jay Selissen from Local 141 confirmed as being true and said they forwarded the information to every member of the City Council.

Motion made by Ald. DeWane, second by Ald. Nicholson to refer this item to staff for further negotiations. Motion carried.

6. Request of Ald. Zima for a policy on late communications and on an agenda item for general public input

Ald. Zima was not present to speak to this item. Motion made by Ald. DeWane, second by Ald. Nicholson to receive and place on file.

Ald. Wiezbiskie said he would like an explanation as to what this item is, adding that he believed this was discussed and decided on at a previous meeting. Atty. Swanson said this item was referred back from Council on allowing the public to speak and they had a discussion on how referrals should be made. Ald. Wery said there were two discussions one on if the public shows up to discuss anything, even if it's not on the agenda and should there be a time period for this or limit discussion to what's on the agenda that night and the other topic is how the late communications are handled. Ald. Kocha stated her recollection was that they were not supposed to be allowed to verbally bring forth late communications and said Doug would continue to read late communications unless the committee was looking to make a change? Ald. Wiezbiskie said he does not care to do things over and over, and said they had made a ruling on the public speaking and said if this item comes back he would like to table it, and said he would like to hear more about the late communications item. He agrees with receiving and placing on file.

A vote was taken on the motion to receive and place on file. Motion carried.

7. Request by Ald. Kocha to explore the possibility of the City Council foregoing its automatic raise in 2009, in light of the budget.

Ald. Kocha said in light that we are expecting city employees to tighten their belts this year and the Council pay raise isn't that large, she feels this is something the Council should undertake. Ald. DeWane agrees stating that he believes the unions are looking at freezing wages as well. Ald. Nicholson said he agrees with turning down the Council pay raise, adding that he has never voted for a pay

raise and has always turned his in. Ald. Wiezbiskie inquired if this to lead the band and to get the budget ontrack? Ald. Kocha said her reason is two-fold, one that Council is willing to do what city employees are being asked to do and second to show that we are a team and are all in this together. She clarified Ald. DeWane's comment that Union negotiations are not finished and we are not speaking for the unions.

Motion made by Ald. DeWane, second by Ald. Nicholson to approve the City Council foregoing its automatic pay raise in 2009. Atty. Swanson said in 2006 the Council adopted a miscellaneous ordinance that automatically provided for a \$250 annual increase effective April 15, 2008 and another \$250 increase on April 21, 2009. She recommended having a motion to amend Miscellaneous Ordinance 2-06 to repeal Section 2 which provides for the \$250 increase in April 21, 2009. Motion amended by Ald. DeWane, second by Ald. Nicholson. Motion carried.

Atty. Swanson inquired if they would like the first reading of this ordinance to be at the same time that the Advisory Report comes out? She said it may not need a second reading since it's a repeal of an ordinance.

8. Request by Ald. Vander Leest for an update on Section 8 reforms requested by the City.

Keith Pamperin addressed the committee and explained the Section 8 program, stating that the program is no longer called Section 8 but is called the Housing Choice Voucher Program and this program is administered by the Brown County Housing Authority for Brown County. Mr. Pamperin said he is the Housing Administrator for both Green Bay and Brown County Housing Authorities. He said the Housing Choice Voucher Program is a program whereby applicants apply to receive housing rental assistance based on their income. All households must have an income of less than 50% of the median county income to be eligible. He said most of the applicants are well below that, at 30%. Mr. Pamperin said Brown County was the inventor of this program in the 1970's. HUD came to Brown County to do an experiment to determine if this process was more efficient and less costly than building projects. He said many communities have built large scale family and elderly projects and many of those have not been particularly successful on the family side.

Mr. Pamperin said in the first 15 years we monitored very closely where the people in the program lived. He indicated that over the years HUD has changed the rules and regulations and we found that more and more people participating in the program for a variety of reasons tend to congregate and live in the near downtown neighborhoods. He said in 2003 72% of all of the households in the voucher program lived in near downtown neighborhoods. Mr. Pamperin said he tried to request waivers to various Federal regulations that would allow us to help people reach family self-sufficiency and at the same time de-concentrate. He said there are issues with this such as access to services, jobs, transportation, lack of public transportation and the quantity and quality of rental housing. Mr.

Pamperin said Green Bay has a larger percentage of rental housing than almost any community in the state.

*Ald. VanderLeest arrived at this time.

Mr. Pamperin said we have a large percentage of rental housing units in the near downtown neighborhood. He stated that we have made some progress from 72% to 68% but said more importantly is the number of people served going from 4900 persons in households being served in 2003 to 4300 persons this year. He said that tells him that we are serving people that are more elderly and disabled and smaller households. He said over the last number of years he has made a number of reforms in the program such as doing intense criminal background screening for every applicant; Langan Investigations was hired to investigate backgrounds on every applicant and fraud investigations are also done whenever there is an issue that needs to be investigated. Mr. Pamperin relayed improvements since these measures have been put in place, stating that 17% improvement in applicants being approved this year and said word is out that you shouldn't apply unless you have a clean slate.

Mr. Pamperin said the Housing Authority made 19 different administrative plan changes this year to improve the program. Ald. Nicholson inquired about the County advertising in larger cities? Mr. Pamperin responded that in the 37 years that he has been involved, the Housing Authority has never advertised. He said some of the apartment complexes have advertised outside of the area and they may have indicated that this Federal assistance is available. Ald. Nicholson said Rob Strong indicated that the County has advertised and asked for confirmation on this for the next meeting. Mr. Pamperin said they are aware that some of the local employers have advertised outside of the area and again said the Housing Authority has neither the money nor the desire to advertise. Ald. Nicholson inquired about the apartment complex on Humboldt Road and the number of housing vouchers issued there. Mr. Pamperin indicated that there are 12 out of 80 apartments that are utilizing housing vouchers in this complex and they are asking for an additional 14 vouchers and said most of those 12 may not still be there. He indicated that the Housing Authority in its efforts to de-concentrate is utilizing a vehicle called Project Basing, explaining that a property owner that is outside of our area of concentration can apply and we can lock up housing vouchers to a specific address. He said the whole context of that is to move people outside of the concentration area, explaining that when Humboldt Heights applied, the Housing Authority postponed action on that request pending further review of Police calls. He again said this tool is to discourage people from living in concentration areas.

Ald. VanderLeest inquired about initiatives being done the past few years to improve the program. Mr. Pamperin responded that in addition to the criminal background checks, he inquired about putting a limit on the term that households that were not elderly or disabled could receive assistance. If said if they are employed at a low wage, they would be allowed to receive assistance for a longer period of time but if they are non-employed, non elderly or disabled, they

would receive assistance for a maximum of three years. He indicated that he has been turned down three times for this request adding that it's a fair housing equal opportunity issue. He said he also would like to limit the number of applications they can accept within what they have designated as a concentrated area of poverty and said he has been denied on this twice, saying we cannot do this. He said there was discussion in Congress to allow more flexibility but said it never got acted on. Ald. VanderLeest inquired if Council members could receive a summary of the plan changes and statistics from this program? Mr. Pamperin will provide this information to the Mayors Office for distribution to Council. Mr. Pamperin said this program does a substantial number of inspections each month and said they are now holding tenants responsible jointly with the landlord for inspection violations. He said one of the factors in fraud investigations was unreported people living in a household and often times these people had criminal backgrounds and the assistance was terminated when that was learned. Ald. VanderLeest inquired if it would be helpful for the Committee to present a resolution to Congress or US Senators? Mr. Pamperin said he would be happy to speak with any Council member and work with them on ideas.

Ald. Wiezbiskie inquired about a report on the program and rules for de-concentration. Mr. Pamperin responded that he can provide a report on what the program is and who is receiving assistance. He said HUD requires that Housing Authorities have a goal to de-concentrate but they don't give us the tools to do it. He again said we are seeing progress and he's pleased with that, adding that he and one half-time accountant are the only staff on the Housing Authority and said they contract with Integrated Community Services to administer this program. He said families prefer to live in 2-family flats or duplexes with grocery stores, transportation and services readily available.

Ald. Nicholson inquired if there is a goal and a plan for the reduction of vouchers in Brown County? Mr. Pamperin said he and Rob Strong have talked about whether or not we have more vouchers than we can handle, adding that this economy doesn't help. He said Brown County is authorized for 3234 housing vouchers and said that varies depending on what families participate, adding that an eight member family costs more than a two member, so the actual number of vouchers is not the driving factor, it's the cost. He said since 2005 we have not exceeded 3000 vouchers being filled and as a result we are penalized because we are not filling those units and said we have no desire to fill them unless people locally need them. He said we have contemplated on can we develop mechanisms to meet the needs of Brown County and use the balance of those vouchers to help people who might live in adjacent counties so they don't need to move here to get the assistance. He said he and Mayor Schmitt had a productive meeting with the regional secretary of HUD and a good discussion on that and they initially seemed positive and said they learned that they cannot lend the vouchers. Mr. Pamperin said his recommendation was to lend 200 vouchers to Oconto and 50 vouchers to Marinette and let them serve those people there. He said the Housing Authority has been reluctant to do that because of the declining economy; it's a lot of money to give up. He learned the only thing we

can do is to give up the vouchers permanently and HUD will take them and use them.

Mr. Pamperin said we have been using 2870 vouchers out of 3234 and haven't exceeded the limit since 2005, when we shut down enrollment because we had 2500 households on the waiting list. He said we used that time to go through the waiting list and re-opened enrollment and never got to the limit. Ald. Nicholson inquired why we don't turn in some vouchers? Mr. Pamperin said he doesn't disagree with this but said we need to think about what it's going to be in the future, adding that under HUD's own administrative rules, you would think they would recapture some of the 250 vouchers that are not being used, but they haven't done that. He indicated that the Brown County Housing Authority would be the entity to make the decision to turn in some of the unused vouchers and Ald. Nicholson said to get on their agenda, he could put in a communication and confirmed that Mr. Pamperin is supportive of turning in some of these vouchers? Mr. Pamperin responded that he believes that if we haven't used the vouchers for this period of time, five years, that it doesn't make sense to hold onto them and not use them. He indicated that there are others, Housing Authority members and staff at ICS who believe the reason we are not serving those people is because of the roadblocks we have set up. Ald. Nicholson said roadblocks such as criminal background checks? To which he said this is protecting the city not putting up roadblocks, adding that the vouchers are for people who need them, and we don't want to bring criminals into the city and said Langan Investigations has done a good job of weeding out a lot of criminals and a lot of fraud that could have hurt the city. Mr. Pamperin said we have to recognize that when households are not eligible for a federal program, they rely on local programs, we have the situation of homeless shelters being overburdened. Ald. Nicholson said if Brown County turns in some of their vouchers, these people will be going to other cities and applying for vouchers in these cities, with Mr. Pamperin responding that that would be an ideal situation but said the people are **here**, living in dumpsters and cars.

Ald. Nicholson asked if we are offering vouchers to the members at St. Johns or any of the other homeless shelters? Mr. Pamperin responded that at his encouragement, they did specific outreach to St. Johns and had 53 applications from residents there; 4 have been successfully placed in places of their own, 46 have been unsuccessful for various reasons, mostly because of local rules and regulations that we have put in place. He indicated 2 of them had multiple OWI's 6 had drug related activities in the past, 7 had violent related activities, 2 had open warrants, 11 owed \$500 or more to a government agency, 15 we lost contact with, filled out the application and disappeared, 2 went to other subsidized housing, and 1 declined assistance, adding that this is a difficult group to work with. Ald. Nicholson commented that we are attracting a high percentage of people from all over the country at St. Johns and then we are offering them vouchers to stay here, when their own municipality could be taking care of them.

Ald. DeWane said he has two cases in his district that he will talk with Mr. Pamperin about. Ald. VanderLeest inquired about unused vouchers and how this

hurts us, which Mr. Pamperin clarified that Housing Authorities operate programs and from a Federal standpoint, you have a set number of federal dollars you are expected to use and said every year we are monitored and scored on 28 indicators and said underutilization is one of these indicators. He said if we show up that we are authorized for 3234 vouchers and are only using 2870, we're scored poorly on that because we're underutilized. He said ultimately he believed we would be penalized but said Congress loves this program and instead of cutting back on it, they are allocating more and more dollars to it and as a result they have not recaptured the funding that he anticipated they would have. Ald. Wery thanked Mr. Pamperin for his update.

Motion by Ald. DeWane, second by Ald. Wiezbiskie to receive and place on file.
Motion carried.

5. Review and action on proposed City of Green Bay Holiday Display Guidelines.

Motion made by Ald. DeWane, second by Ald. Wiezbiskie to approve.

Mayor Schmitt addressed the Committee referring to last December, stating that he has no doubt that we have the legal ability to display non-secular items on city property in honor of Christmas, celebrating the birth of Christ; a National holiday. However, he stated that he also has the responsibility to act in the best interest of the city and that includes protecting the city against lawsuits. He said this community celebrates diversity and is a very welcoming community. He said what happened last year shouldn't be repeated and said the policy he is proposing allows us to celebrate and have diversity and he feels this policy is in the best interests of the community. He said he will have a Nativity scene set up at his home. He urged the committee to give the policy strong consideration. The Mayor stated that the policy focus is to promote culture and history through secular displays and encouraged displaying non-secular displays on private property and on churches in the downtown area and said he thinks it best that we celebrate Christmas in this way. He indicated that he met and spoke with various religious leaders in the community and received their input. He said the display last December didn't start off good; the intent wasn't good, there were people looking for their 15 minutes of fame and said it went from something that could have worked to something that hurt the city. He said this is something that should have worked.

Ald. Wery said he sided with the Mayor and religious leaders on this policy and feels it's the right way to go. He said Council was divided on this issue last year and it ruined many people's Christmas last year and constituents were upset. Ald. Nicholson inquired what the Mayor was encouraging citizens to display with the Mayor responding Santa, reindeer, as well as non-secular (religious) items. He added that the City has a holiday parade every year and he feels it is appropriate to decorate city hall in a holiday spirit with secular type displays, lights, bows, reindeer, Santa, etc. Ald. DeWane stated that this is a good idea, he's happy it's over with and said it shouldn't come up again for a long, long time. He said he felt bad that some people felt the need to sue the city over this. Ald.

Wiezbiskie said he feels the Mayor came up with a very good resolution and is in favor of this.

Motion made by Ald. VanderLeest, second by Ald. DeWane to open the floor to allow interested parties to speak. Motion carried.

Taku Ronsman, 1688 Beaver Dam Drive, Green Bay addressed the committee stating that she likes the way the resolution is written but suggested changing the word non-secular to religious, to make it more clear. She indicated that she felt bad about the fight that developed between the two sides and said it's been difficult for her all her life with being raised in a liberal, Unitarian religion. She said this is a very sensitive issue and she's hoping that there will be peace now and that she and the Mayor can have a good relationship.

Motion made by Ald. Nicholson, second by Ald. Wiezbiskie to return to the regular order of business. Motion carried.

Ald. Jeffreys said that we did have peace before this happened last year, adding that this was very ugly and put the kibosh on her Christmas and she hopes this would never happen again. She said people are encouraged to worship their own religion and she does not object to changing the word non-secular to religious. The Mayor said he has difficulty taking advice from someone who sued the city but will check with Atty. Swanson on that change. Ald. Jeffreys asked for clarification as to who is "city officials" with Atty. Swanson adding that this would mean the Mayor, Council and Senior Staff, who are appointed according to statute. Mayor Schmitt said he met with Mayor Daly of Chicago the day after Advisory Committee met and said Mayor Daly has had no issues with his display. He said this committee didn't handle this well and it didn't work here. Ald. DeWane suggested having the phone number of the aldermen on the bottom of the resolution and said maybe spelling out reindeer, etc. Ald. Nicholson asked the Mayor to talk about the display that Chicago puts up. The Mayor said in Daly Plaza, which is in a city park, they display a nativity set, menorah, a candy house, a kresh and said they have never been sued; it works there. Ald. Nicholson said Chicago is a city of millions and have had no lawsuit and Green Bay has a population of a little over 100,000 and we have a lawsuit. Ald. VanderLeest said he understands why this is being done and referred to a reindeer test that has been done in the past. He said the Supreme Court has ruled in the past that if you display religious items as part of a larger display, we have the legal right to do this. The Mayor again said he believed we had the legal right to the display but said he's not advocating for this here, saying it didn't work. Ald. VanderLeest said he supports the resolution.

Brief discussion ensued regarding what we could have displayed with secular items with Ald. DeWane asking if he could have the Nativity set to take home? Mayor Schmitt said this was a gift to the city and is city property and a decision will need to be made as to what's done with it. Question to Atty. Swanson what is the difference between Chicago's display and what Green Bay did last year? Atty. Swanson responded that the judge dismissed our case based upon their

lack of damages and lack of jurisdiction because there is no ongoing harm. She said the court has really not looked at that and she would discourage the committee from further discussion of those aspects while the appeals continue. She indicated that from our point, there was no difference. After brief discussion regarding changing the word non-secular to religious, it was decided to leave the word to non-secular.

A vote was taken on the motion to approve the resolution and proposed policy. Motion carried, with Ald. Nicholson voting "no".

Motion made by Ald. Jeffreys, second by Ald. Wiezbiskie to adjourn. Motion carried.

Respectfully submitted,
Mary Haupt, Recording Secretary