



City of Madison

City of Madison
Madison, WI 53703
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Meeting Minutes - Amended PUBLIC SAFETY REVIEW COMMITTEE

Wednesday, September 14, 2011

5:00 PM

City of Madison Police Department
211 South Carroll Street
Room GR-22 (City County Building)
Central Community Room

Present: 5 -

Paul E. Skidmore; Ald. Jill Johnson; Chan M. Stroman; Ryan M. Jennissen
and Maurice S. Cheeks

Excused: 1 -

Ald. Matthew J. Phair

CALL TO ORDER / ROLL CALL

APPROVAL OF MINUTES

Alder Skidmore made a motion to approve the July 12, 2011 meeting minutes.
Maurice Cheeks seconded the motion. The minutes were unanimously
approved.

PUBLIC COMMENT

The following individuals registered to speak during the meeting with their
name listed first and the agenda item number following that they wished to
comment on.

Rosemary Lee - 23310
David Danigrson - 23785
Sandra Torkelson - 23785
Andy Skwierawski - 23785
Stacy Harbaugh - 23785
David Petrs - 23785

DISCLOSURES AND RECUSALS

There were no disclosures or recusals.

NEW MEMBER/COMMITTEE INTRODUCTIONS

Ryan Jennissen intructed himself as a new member to the Public Safety
Review Committee. The rest of the committee then made introductions.

NEW BUSINESS

1. [22661](#) Creating new Sec. 8.19(3), renumbering current Sec. 8.19(3) to Sec. 8.19(4),
repealing current Sec. 8.19(4), creating Sec. 8.24(1)(q), creating Sec.
8.30(2)(c), amending Sec. 8.31(4)(b), creating new Sec. 8.42(2),

renumbering current Sec. 8.42(2) to Sec. 8.42(3), creating Sec. 23.05(4)(f), creating new Secs. 23.05(4)(e), 23.07(9) & (10), renumbering current Secs. 23.07(4) through (10), amending renumbered Sec. 23.07(12), creating Sec. 23.195, creating new Sec. 24.04(3)(c), renumbering current Sec. 24.04(3)(c) to (d) and Sec. 24.04(3)(d) to (e), respectively, creating Sec. 25.04, creating new Sec. 25.29(4), renumbering Secs. 25.29(4) & (5) to Secs. 25.29(5) & (6), respectively, and amending Sec. 1.08(3)(a) of the Madison General Ordinances to create ordinances that prohibit bringing animals, radio controlled toys, sound amplification devices and loaded firearms into the zoo. The ordinances prohibits harassing zoo animals, smoking, consuming alcohol, trespassing, feeding animals, bike riding, skateboarding, rollerblading and riding a scooter on zoo property. It establishes bail deposits for violations of the new ordinances.

Attachments: [Version 1](#)

This agenda item was referred from the July 12th PSRC meeting. There were a few committee members that had questions on amendments to the ordinance language. It was asked that the sponsoring Alder or a member from the Vilas Zoo attend to clarify those questions. Ronda Schwetz the Deputy Zoo Director attended the meeting along with Captain Balles from the Madison Police Department South District whose district would respond to behavioral issues with patrons at the zoo. It was mentioned that the amended ordinance would give the Zoo and the Police Department the ability to address certain specific issues that may occur at the zoo. Captain Balles said that South PD is working with the zoo at the end of October to go over exercises with zoo staff on potential critical incidents. He further mentioned that there are highly trained professionals at the zoo that have various different protocols in place if different events where to occur at the zoo. Alder Skidmore inquired if the amendments are consistent with standard protocols for behaviors at zoos. Schwetz said that when citizens come in and they don't obey the rules it can be difficult in what they are asking of the patron if they become abstinent. Chair Stroman said that a majority of the amendments to the ordinance are very clear to her however she had a concern in a section of the ordinance on the harassment of animals when it comes to being unlawful for any person to frighten, intimidate, abuse, or harass when she asked how it would be enforced given the range of ages of patrons. Schwetz replied that patrons behave pretty predictably at the zoo as far as making faces at the monkeys or make noises. When this occurs she said as professionals at the zoo they may have an educating talk with the patron, but this is something that the Police would not be called for. She said what they are talking about is when the patron is putting themselves in danger by harassing the animal to the point where the animal could injure the person and that the ordinance would allow something that is inappropriate to have the ability to address it. Co-Chair Cheeks asked when a citizen is at the zoo and calls regarding inappropriate behavior of another zoo attendee if the police would respond. Captain Balles said that the police would respond, however, they would contact a member from the zoo staff to review the situation and work through the problem. Schwetz added that there are at times concerned citizens at the zoo who usually report the problem to a zoo staff member who then notifies management to take care of the problem. The Committee voted unanimously to approve item number 22661.

Nuisance Parties and amending Section 1.08(3)(a) of the Madison General Ordinances to establish bail amounts for this section.

Attachments: [23310 8.17.11 ALRC registrations.pdf](#)
[Gary Stebnitz opposition recd 9/1/2011](#)

Citizen Rosemary Lee said that she is a renter in the downtown area and knows a number of landlords that already have no keg clause in their leases. She asked that the committee members acknowledge that the property owner has an economic investment in the property and that they are providing housing for students and likewise. She indicated that she has an issue with the language that says if a subsequent nuisance party is declared at the same premise within a twelve month period that the police department should send the premise owner a second party ordinance violation. She said that those renters should be addressed that are abusing their rental agreements and not the property owner.

City of Madison Alcohol License Policy Coordinator, Mark Woulf shared background on the ordinance to prohibit nuisance parties that already went before the Council as well as the substitute ordinance that he distributed during today's meeting. He said what is being addressed is large out of control house parties, overcrowded, and for profit parties. He said the ordinance defines what a nuisance party is and if a social gathering is deemed a nuisance house party it puts the landlord on notice after the first event and within six months if there is a similar event at the same premises with the same tenant the landlord is subject to a fine. He said that the substitute draft is a little different and the reason for this he said is that after several meetings with Alders, landlords, and other stakeholders there was a lot of feedback and they wanted to improve the ordinance too not be too broad or vague and concentrate on specifics. He said the substitute ordinance now says instead of having seventeen different criteria's there are now five specific criteria's and the social gathering has to meet the criteria. The language was removed on beer barrels that are visible to the public and that there would be a review from the district Captain on the owner's failure to prevent a second nuisance party. Woulf mentioned that the ordinance is addressing the landlords that are not responding and following up with their tenants in certain situations. He shared that if the landlord meets with the City Attorney, district Captain and designees after the second nuisance party within six months they would not be subject to a fine as long as they are outlining preventative measures with their tenant. He further said that within the third nuisance house party within six months there would be a fine given based on the review. And, the last piece that he said was added was affirmative defense if a landlord were to see a gathering starting and if the landlord makes the call to the Police Department in that situation the landlord would not be fined.

Central District Captain Gloede from the Madison Police Department said that the ordinance would be used as a tool to continue the efforts to deal with dangerous out of control parties that for example have overcrowding, fire safety issues, extreme overconsumption, and disturbances to the neighborhood. He said typically what they see is bad decisions made by the individuals such as being extremely intoxicated, fighting, passing out, etc. These types of large parties are those that are called in by complaints through citizens, landlords, and other means. He said given the proximity of the central district the police department doesn't have the resources to specifically drive around looking for these types of parties. He did mention however, there are areas within the campus that have student housing areas that the police

department monitors. He ended that the Police Department just received the amended ordinance yesterday and he said even though it is before you tonight that he hasn't had the time to sit down with the Chief and Assistant Chief's as well as the other district Captain's because he said this just isn't a Central district issue as it is a citywide issue. He said that there are discussions that need to be taken from the Police Department's perspective and also a review of the substitute language to ensure that the Police Department can not only support but also make the changes happen.

Alder Skidmore made a motion to refer to the October 11th meeting so that the Police Department has time to review the amended ordinance. Alder Johnson seconded the motion.

3. [23351](#) Establishing a Glass-Free Zone for the State Street area from 9:30 pm on October 28, 2011 to 5:00 am on October 29, 2011 and from 9:30 pm on October 29, 2011 to 5:00 am on October 30, 2011

Attachments: [State Street Area Glass Free Zone.pdf](#)

Captain Gloede indicated that this ordinance is an annual request for the upcoming "Freakfest" to establish a glass-free zone from 9:30pm on October 28th, 2011 to 5:00am on October 29th, 2011 and from 9:30pm on October 29th, 2011 to 5:00am on October 30th, 2011.

Alder Skidmore made a motion to approve the ordinance. Ryan Jennissen seconded the motion. The motion was unanimously approved.

4. [23416](#) Resolution to Amend the 2011 Operating Budgets of the Police Department, Streets Division and Parks Division by appropriating \$35,018 from the Contingent Reserve Fund for expenses related to the "Freakfest 2011" Halloween event and authorizing receipt of revenues derived from admission fees and donations.

Attachments: [Halloween Freakfest 2011 Operating Budget Ammendments Resolution.doc](#)

This item is a resolution to amend the 2011 Operating Budgets of the Police Department, Streets Division and Parks Division by appropriating \$35,018 from the Contingent Reserve Fund for expenses related to the "Freakfest 2011" Halloween event and authorizing receipt of revenues derived from admission fees and donations.

Alder Skidmore made a motion for approval. Alder Johnson seconded the motion.

Alder Skidmore mentioned to the committee his dis-pleasure with the City amending the budget to be able to monitor the behavior of individuals related to alcohol.

This committee voted unanimously to approve item number 23416.

5. [23417](#) Resolution to authorize a contract with Frank Productions, Inc. for Freakfest 2011 and to authorize gating and ticketing for entry into the event area.

This item number is a resolution to authorize a contract with Frank Productions, Inc. for "Freakfest 2011" and to authorize the gating and ticketing for entry into the event area.

Alder Skidmore made a motion for approval. Maurice Cheeks seconded the motion. The committee voted unanimously to approve item number 23417.

Alder Skidmore commented that since going to a sponsored event that the event has dramatically improved over the years.

6. [23692](#) Creating Sections 8.24(1)(q) and (aa) of the Madison General Ordinances to ban alcohol in the public right of ways on North Carroll and North Henry Street.

Captain Gloede shared the background behind creating Sections 8.24(1)(q) and (aa) of the Madison General Ordinances to ban alcohol in the public right of ways on North Carroll and North Henry Street which is an areas that edges up to green space. The ordinance he said is a remedy to resolve behaviors such as drinking, drugs, camping, which creates problems for the neighborhood and also safety issues for the individuals involved.

Alder Skidmore made a motion for approval for discussion purposes. Ryan Jennissen seconded the motion.

Alder Johnson mentioned that given the reoccurring problems that occur in cul-de-sacs where law enforcement doesn't have the authority to take action, she felt that an ordinance to site individuals was necessary.

The committee voted unanimously to approve item number 23692.

7. [23785](#) Amending Sections 9.24 and 1.08(3)(a) of the Madison General Ordinances to require secondhand dealers to compile and submit to the police department electronic records of transactions and creating penalties.

Attachments: [Version 1](#)
[BODY - Version 2](#)

There were individuals who attended today's meeting that shared their opinions on the amendments to the ordinance to require secondhand dealers to compile and submit to the police department electronic records of transactions from a second-hand dealers.

David Peters from the Exclusive Company indicated that he opposes the amended ordinance. He also shared that he didn't support the fees involved with the proposed database.

Stacy Harbaugh from ACLU of Wisconsin shared she is opposed to the amended ordinance. She mentioned that what people read is personal and didn't feel that people's rights should be infringed upon with having another database that shares personal information that the Government has access to.

Andy Skwierawski is an Attorney who represents Half-Price Books is opposed to the amended ordinance. He shared that textbooks are not issues when it relates to potential problems and that there should be additional time to work through the ordinance to come to an agreement.

Sandra Torkelson from a Room of One's Own bookstore shared that keeping a database of material that people are reading is against a citizen's first amendment rights and she would like 9.24 (3)16 removed from the ordinance.

David Daniguson from Frugal Muse Books, Music, and Video said that given the extensive record keeping and fee associated with the amended ordinance it would be likely that the store wouldn't carry CD's and DVD's anymore. He asked that 9.24(3) 16 is removed from the ordinance.

Captain Wheeler from the Criminal Intelligence Section of the Madison Police Department indicated that the imposed data collection system would provide the Police Department a way of operating efficiently to detect crimes. He said that currently there are about 90,000 pawn transactions that come in over the year and that the staff can't keep up entering the slips manually. He mentioned that it is a cost to society and a way for criminal's to facilitate crime with stealing and turning in items to receive quick money. He said with the proposed system it would be a way to identify repeat offenders which was done recently with the pawn system with 3 heroin addicts that were identified as repeat offenders. He said that between January and August the value of items stolen in the City of Madison was worth 2.2 million dollars.

Alder Verveer who supports the ordinance added that it makes sense to have the ordinance to modern times with electronic reporting in which he passed around a photo displaying piles and piles of paper pawn slips that are in the Records Section at the Madison Police Department that need to be manually entered. He also shared that this amended ordinance is not intended to affect booksellers and the way they do business, but that the reality is that there are thefts occurring with drug addicts going into libraries and stealing expensive textbooks and attempting to get money at re-sale shops.

Steven Brist, Assistant City Attorney shared that it is required by State Law that the ordinance has to be at minimal the same if not harsher than that of the State legislation. He said that the ordinance is geared towards going to an electronic reporting system. He said given that the current system is a paper system and a mess that going to a database would make improvements, however it doesn't have to be electronically recorded it just needs to be recorded in some fashion.

Alder Skidmore made a motion to approve the substitute as distributed. Alder Johnson seconded the motion.

Alder Johnson mentioned that she doesn't like to make business more difficult but since there is already recording of material it would make sense to go with a paperless system and get with the times. She also mentioned that she feels people's first amendment rights are already being intruded with all the surveillance cameras and documentation that occurs. She said she strongly supports the amended ordinance.

Co-Chair Cheeks said that he feels that an electronic system is important but doesn't like the idea of those citizens who are trading in their personal collection of cds, dvds, or textbooks that a photo picture is taken and that the information of your personal items are recorded on a database for others to see. He said that he could not support the amended ordinance right now if 9.24(3) 16 is in it.

Chair Stroman reiterated to gain an understanding of the ordinance and said that the law is not being re-created, but that the basis of it is to change the system from a paperless system to a database system. She said that databases and photographs are becoming a cultural revolution to this day and age and said that she strongly supports the ordinance with a tool that can help victims with their stolen goods.

Alder Johnson, Alder Skidmore, Ryan Jennissen, and Chan Stroman voted to approve the substitute ordinance. Maurice Cheeks opposed the substitute ordinance.

Excused: 1 -

Ald. Phair

Ayes: 4 -

Skidmore; Ald. Johnson; Jennissen and Stroman

Noes: 1 -

Cheeks

REPORTS

8. [23877](#) City-Wide Robbery Update - Madison Police Department

Lieutenant Skenandore from the Madison Police Department wasn't able to attend tonight's meeting to present on the City-Wide Robbery Update. Alder Johnson referred it to the October meeting. Alder Skidmore seconded the motion. This was unanimously approved by the committee.

9. [23880](#) 911 Center Board Update

Attachments: [August 24th, 2011 Minutes from the Public Safety Communications Center B](#)

Alder Skidmore who serves on the Dane County 911 Center Board shared an update with the Committee. He mentioned that the County had to come up with figures to reduce the 911 Center Board budget by a 5% and a 10% cut. Alder Skidmore said this was painful in that a 5% cut would be a total of 5 call taker positions that are the first line of defense for safety out on the streets to responders. He said Mr. DeJung, the 911 Center Board director didn't submit a 10% cut. He also mentioned that there was a vote during the 911 Board meeting to discontinue sending response to Phase I – 911 disconnect calls as there is no easy way of locating where the call came from and uses patrol time that is ineffective

FUTURE AGENDA ITEMS

The Committee discussed future agenda items.

ADJOURNMENT

Maurice Cheeks made a motion to adjourn the meeting. Ryan Jennissen seconded the motion. The meeting was adjourned at 7:35pm.