



City of Madison

City of Madison
Madison, WI 53703
www.cityofmadison.com

Meeting Minutes - Amended PUBLIC SAFETY REVIEW COMMITTEE

Tuesday, February 11, 2014

5:00 PM

Madison Municipal Building
215 Martin Luther King Jr. Blvd.
Room: 260

CALL TO ORDER / ROLL CALL

Present: 7 -

Merrilee Pickett; Ernest E. Horinek; Matthew S. MacWilliams; Wayne S. Strong; Bruce P. Frey; John Strasser and Chan M. Stroman

Absent: 2 -

Paul E. Skidmore and Maurice S. Cheeks

MINUTES

Merrilee Pickett made a motion to approve the January 14, 2014 meeting minutes. Alder Strasser seconded the motion. The minutes were unanimously approved.

PUBLIC COMMENT

There were a number of registrants for public comment. Chair Stroman indicated that she would invite the registrants for public comment when the specific agenda item is going to be discussed.

DISCLOSURES AND RECUSALS

Chan Stroman indicated that she would like to disclose herself regarding item number 32949. She indicated that she has an immediate member of her family who volunteers at the Dane County Humane Society who has expressed interest in this item. She mentioned as the Chair she does not vote on an item unless it comes down to breaking a tie. With this item she shared that she confirmed with the City Attorney that she is not required to recuse herself but wanted to make the disclosure.

NEW BUSINESS

1. [32814](#) CHARTER ORDINANCE Creating Section 34.907(2) as a Charter Ordinance of the Madison General Ordinances to require landlords to furnish fire education to new tenants, and renumbering Section 34.907(2) to 34.907(3).

Wayne Strong made a motion to begin discussion and action on the agenda item. Ernie Horinek seconded the motion.

Ed Ruckriegel from the Madison Fire Department shared that in 2007 the City Council passed a local smoke alarm ordinance. He shared there were three

provisions in the ordinance: installation of smoke alarms, the ability for the fire department to issue citations to tenants, and that landlords provide tenants with fire safety information including outlining the problems associated with removing smoke alarms. He said there was a bill last year through the State Legislature that stated local municipalities may not require landlords to provide paperwork information other than what is required by State Law. He said that this went back to the Common Council where they decided that it should remain and become a charter ordinance.

Ernie Horinek a member of PSRC and a landlord shared his thoughts regarding the ordinance indicating that he feels the information given out to tenants is not effective as they don't pay attention to it. He shared that he has installed ten year fire alarms in apartments where the battery cannot be removed but that individuals have removed the entire smoke alarm. He believes there needs to be a more positive approach such as the fire department or city completing smoke alarm inspections on a regular basis to have enforcement. Ruckriegel shared that the department does a combination of education, engineering and enforcement to prevent loss and that prior to the ordinance citations were given strictly to the landlord. However, he mentioned there was a change to the ordinance in agreement with the landlord associations that once a tenant has the information and they sign the document they are responsible for the fire alarm and if they choose to remove the alarm it falls legally on the tenant. He then said to the group that the data proves that something is working with the combination of education, media sharing the information, tenants hearing the word and landlords being pro-active.

This item was approved by majority vote. Horinek voted against the ordinance.

A motion was made by Strong, seconded by Horinek, to Return to Lead with the Recommendation for Approval to the COMMON COUNCIL ORGANIZATIONAL COMMITTEE. The motion passed by voice vote/other.

Absent: 2 -

Paul E. Skidmore and Maurice S. Cheeks

Ayes: 5 -

Merrilee Pickett; Matthew S. MacWilliams; Wayne S. Strong; Bruce P. Frey and John Strasser

Noes: 1 -

Ernest E. Horinek

Non Voting: 1 -

Chan M. Stroman

2. [32827](#) Creating Section 23.01 and amending Section 1.08(3)(a) of the Madison General Ordinances to create a buffer zone at the entrance of health care facilities to protect patients from protestors and creates a bail schedule for violation thereof.

Attachments: [Buffer zone ord handout.pdf](#)
[E mail registrants.2 13.14.pdf](#)
[Gwen Finnegan testimony.pdf](#)
[Registrations 2 13 14.pdf](#)
[Support e mails.pdf](#)
[Support e mails.II.pdf](#)

Rosalind Woodward – Supports the ordinance. A retired woman’s healthcare provider shared that over the years she has witnessed medical treatment of woman stating that services provided by clinics are legal medical procedures and are considered to be a necessary part of a comprehensive woman’s health plan. She said that the women seeking the services are doing what you would be doing if you had a hip replacement, hysterectomy, or a gall bladder removed. She said women are attending to their own medical needs as they see fit.

Christopher Lee – Opposes the ordinance. He shared that whether you are pro-life or pro-choice it really does not matter but with this particular issue he said on the ordinance. He said it is wrong to place restrictions on freedom of speech and assembly and that if someone wants to tell a person they should not visit a clinic or business it is their freedom of speech as long as there is peaceful demonstration.

Lynnsey Erickson – Supports the ordinance. She indicates that patients deserve the privacy and respect when entering a healthcare facility and that they should not be met with hostility, harassment or intimidation. She said the ordinance allows a nice balance as it will protect patients that are seeking healthcare but continues to allow free speech as individuals can still protest but gives patients the ability to enter a healthcare facility without being harassed or spoken to without their consent.

Analiene Eicher – Supports the ordinance. She mentioned the biggest concern is for patient safety and privacy and that individuals should be able to move freely to whatever appointment without feeling threatened or intimidated. She said that the ordinance strikes an appropriate balance with free speech as it still allows protests to continue but it also at the same time protects an individual’s personal space and safety with the ability to access legal healthcare with dignity without threats or intimidation.

Wendi Kent – Supports the ordinance. She said she is representing the National Organization for Woman. (NOW) She shared that when seeking healthcare that every human being deserves space without being harassed. She said it is common for side walk preachers and harassers to treat everyone coming to a clinic that provides abortion as being seen for that. She said people come to the clinic may be there for another reason such as a check-up or seeking measures to prevent pregnancy indicating that she experienced first-hand being harassed to the point where it deterred her from continuing to receive prenatal services. She shared that we have rules regarding free speech and when it is harmful to others no matter which side they are on that no one has the right to intimidate, harm or assault a woman attempting to access healthcare.

Gwen Finnegan – Opposes the ordinance. Ms. Finnegan is the director of Vigil of Life, Madison and shares she opposes the gag rule and feels that it violates First Amendment rights. She said Vigil of Life brings a peaceful and prayerful

witness and invite the people that they encounter to engage in conversation where they encourage choosing life. She said they are also there to offer hope and healing to mothers who have chosen abortion. Vigil of Life she said ensembles on public sidewalks at Planned Parenthood being peaceful with one or two individuals. She mentioned there are other protests and demonstrations within the City that have caused disruption that were not related to abortion or healthcare facilities where the City's response was to praise people who peacefully ensemble to exercise democracy and first amendment rights. HANDOUT

Greg Packnett – Supports the ordinance. He shared that woman feel intimidated or threatened at healthcare clinics as they walk into the clinic to receive healthcare. He shared a story where an individual who was protesting at a healthcare clinic later brought back a gun and he said according to the man's testimony indicated that he would have used it on those who received healthcare at the clinic. He feels that the eight feet buffer zone is reasonable and still gives the ability to exercise the First Amendment rights which he believes in.

Jennie Dye – Supports the ordinance. Ms. Dye had to leave to attend another meeting.

Natalie Deibel – Supports the ordinance. Is available to answer questions.

Marie Kumerow – Supports the ordinance. Does not wish to speak, available to answer questions

Natalie Goodwin – Supports the ordinance. Does not wish to speak.

Jamie Beam – Supports the ordinance. Does not wish to speak.

There were 73 e-mails received that were in support of creating a buffer zone ordinance.

Ernie Horinek made a motion to enter into discussion and action on the item. Alder Strasser seconded the motion.

Alder Subeck who is a sponsor of the ordinance shared the reason for the ordinance saying there is a daily protest presence at Planned Parenthood which ranges from small to large groups of individuals sharing that it is not the presence she is concerned with it is the sidewalk counselors who make woman feel uncomfortable, threatened or intimidated by being overly aggressive. She said the ability to approach patients is still in the confines with our current law and that is why this ordinance is needed to ensure every woman who walks through all healthcare clinics is protected by the buffer zone. Lastly, she said that the ordinance still allows free speech while protecting the patient by the zone in which another individual cannot enter without permission.

Alder Strasser inquired with Captain Ackeret if the Police Department has a stand on the ordinance. Captain Ackeret said that the department does not have a stand on the ordinance and would enforce the ordinance if passed.

The committee voted unanimously in favor of the ordinance.

Absent: 2 -

Paul E. Skidmore and Maurice S. Cheeks

Ayes: 6 -

Merrilee Pickett; Ernest E. Horinek; Matthew S. MacWilliams; Wayne S. Strong; Bruce P. Frey and John Strasser

Non Voting: 1 -

Chan M. Stroman

3. [32949](#)

Creating Sections 23.60 and 23.61, renumbering Section 23.60 to Section 23.90 and amending Section 1.08(3)(a) of the Madison General Ordinances to mandate the spaying and neutering of pit bulls, require registration for pit bull dog breeders and establish a bail deposit schedule for violation of such.

Attachments:

[Body](#)

[City Attorney Memo dated 2/12/14](#)

[MAPS handout.pdf](#)

[MAPS-Guessing Breeds.pdf](#)

[Registrants-Feb.13, 2014.pdf](#)

Thomas Malone – Opposes the Ordinance. A volunteer for Midwest Area Pit Stop shared that the process of the ordinance is unclear with regard to animal control to name anything that looks like a pit bull if it meets a broad definition. He shared that it dismisses science which he said is the only way to accurately define a breed. He said overall the ordinance would be in-effective in enforcement as it is complaint driven where it would be easy to avoid it by hiding or removing the dog. He said it also would not solve the over breeding problem as it would just spill into the overlying areas. For solutions he shared the focus should be on a human factor looking at an ordinance that punishes irresponsible behavior, focusing on the relationship of human and dogs, enforcing the licensing requirements that are already in place, expanding the spade and neuter subsidy programs, expanding public education and dog safety, and better tracking the factor in dog bites, not just breeds. **HANDOUT**

Myla Burns – Opposes the ordinance. She shares that the ordinance is breed discriminatory and that the primary reason individuals do not spade and neuter their pets isn't because they don't want to but because they can't afford to or have access to affordable services. She said that mandatory spade and neuter requirements fail assuming there will be compliance when enforced. She mentioned that voluntary low cost and free and spade neuter programs typically show more success than mandatory spade and neuter adding that mandatory spade and neuter laws cause a drastic increase in animal shelter intake as people don't or can't comply with the laws and their pets are confiscated or owners surrender their pets.

David Elger – Opposes the ordinance. A member of the Dane County Humane Society Pit Bull committee he assisted organizing the first community dog day at the Boys and Girls Club. During the event dog owners were seeking medical services that they could not afford on their own stating that given the opportunity and a little education many would choose to spade or neuter on their own. He shared the law is complaint based and that it is difficult for people to decipher breeds of dogs as specifically a pit bull. He encourages spaying and neutering that does not have a ticket associated with it.

Peter Anderson – Opposes the ordinance. A member of the Midwest Area Pit Stop shared the difference between dog breeds and said that about eighty percent of the time just by looking at a dog the wrong breed is guessed. He

mentioned how various stakeholders, the Dane County Humane Society and other Animal services need to come together and work on a plan to address the issue.

Sharon Funkhauser – Opposes the ordinance. A member of the Midwest Area Pit Stop shared that she has helped find homes for pit bulls over the years and that it is the owner of the dog and not the dog. She indicated that it is all about the owner of the dog and the care that the dog receives that makes the difference. She feels that there needs to be more discussion on coming up with a different solution to reduce the population.

Alder Strasser shared the background on the ordinance mentioning that in his neighborhood there is an owner of a female pit bull who is continually pregnant and that the dogs are loud. After Alder Strasser inquired with Animal Services he found out that nothing could be done. He shared that this ordinance is not intended to put a restriction on the ownership of pit bulls but it is to keep the breeding levels down to eliminate the stress that causes Dane County Humane Society, city's animal service officers, and those that abuse over breeding of dogs. Patrick Comfert who works with Animal Services for Public Health and Dane County shared that over the years there has been an increase in the overpopulation problems of pit bulls and that more than fifty percent end up in shelters usually don't make it out as more than half of dogs that are euthanized at the humane society are pit bulls. He said that Animal Services deals with pit bulls almost daily with strays and abandonment.

There was further discussion amongst the committee on with regard to these items:

- overcrowding/over breeding in the shelter system
- over breeding of pit bulls (what can be done to address the actions of individual breeders)
- shelter systems being overrun by pit bulls
- those who can't afford to spade/neuter – how can they afford other services for the care of a dog

Item number 32949 was unanimously approved by the PSRC members.

Absent: 2 -

Maurice S. Cheeks and Paul E. Skidmore

Ayes: 6 -

Merrilee Pickett; Ernest E. Horinek; Matthew S. MacWilliams; Wayne S. Strong; Bruce P. Frey and John Strasser

Non Voting: 1 -

Chan M. Stroman

COMMITTEE REPORTS

4. [33049](#) Report from the Madison Fire Department - Assistant Chief Langer

Assistant Fire Chief Langer shared that the groundbreaking for Fire Station #13 will occur early in the Summer. He shared details on the fire that occurred on Atlas Avenue stating that the weather was -19 degrees below and that there was an exceptional inter-agency and community response. He said the costs

were minimal from being around shift-change. He mentioned that the Fire Department's blog for those who want to check it out.

5. [33050](#) Report from the Madison Police Department - Captain Ackeret

Captain Ackeret shared that the Police Department also has a blog where interim Chief Gaber posts information. He mentioned an incident that involved gun shots and a fight that occurred in the West district. He said from this there were two recovered hand guns and an arrest made. He then shared a new program that the department is going to be involved with called "Today Not Tomorrow" which will connect police officers with youth through outreach programs. The program will initially focus on neighborhoods such as Marquette-Williamson, Darbo-Worthington, Theresa Terrace and Bram's Addition.

6. [33051](#) Report on the Dane County 911 Center Board - Alder Skidmore

Chief Langer shared a report on the Dane County 911 Center indicating that they continue to have meetings regarding the radio project which is expected to go live in March. He said at this point they are not close to going live in March. He shared there will be a presentation at the March 4th Common Council meeting.

7. [33052](#) Alder Reports

It was shared that the Equal Opportunities Commission has been having discussions on implementing an ordinance to have homeless people as a protected class.

FUTURE COMMITTEE WORK

Committee member orientation
School Safety subcommittee
Chronic Nuisance Ordinance – Invite Jennifer Zilavy

ADJOURNMENT

Alder Strasser made a motion to adjourn the meeting, Ernie Horinek seconded the motion. The meeting was adjourned at 7:15pm.