



City of Madison
Meeting Minutes - Final
PUBLIC SAFETY REVIEW BOARD

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

Tuesday, May 8, 2007

5:00 PM

Room LL110 Madison Municipal Building

CALL TO ORDER

Meeting was called to order by Chair Moen at 5:00 PM.

ROLL CALL

Adam Lichtenheld was excused (for some reason Legistar has deleted his name from list of members).

Present: Paul E. Skidmore, Eli Judge, Larry Pasha, Tyrone W. Bell, Michael S. Scott, Terry E. Moen and Amy R. Smith

PUBLIC COMMENT

Public comment was received reference item 05739 - Alcohol Beverage License Density Plan. 1) Rosemary Lee - is a 39 year resident of downtown. This ordinance is not a cure-all because we have to change the culture of drinking. She supports the ordinance as long as the city is fair to current liquor businesses: must be reasonable, balanced. She supports changing the days between ownership of an establishment from 60 days to 120 days. Would also like the sunset provision to be 3 years instead of 4. She surveyed some 12-13 bar establishments and all but 2-3 supported the ordinance as long as it was fair, balanced and not an attempt to run them out of business. 2) Mary Carbine - she is staff to the Board of Business Improvement. They surveyed some 300 business and 200 property owners in March and can not say there is a consensus for this plan. This issue is very complex and needs more than just capping liquor licenses. It is hard to attract retail business downtown - parking, family residences, incentives etc. that are available at outlying malls aren't downtown. This measure might keep out "marginal" businesses. What is the measurable safety outcome of this ordinance? What is police district boundaries change? Regarding the 60 vs 120 day grace period - it is about a two year time frame for turn-around. There are real concerns for issues and violence downtown. The Board realizes need regulatory powers but particulars of this plan have raised some serious issue questions. PSRB staff asked what alternative plans the Board had to address the problem. Reply was that ALRC can already deny liquor licenses and use its power to not give a license. Also would like legislation at the state level which would require more education in this field. This ordinance uses the broad brush approach and they want a more focused effort with measurable results. 3) Stefanie Moritz - a downtown resident who supports the ordinance as part of a comprehensive plan. Between 1997 and 2006, there has been a 125% increase in establishment liquor licenses. Police are issuing more alcohol-related citations. Things are out of control and have stretched the police department to its limit. Can't rely on police alone. The cap would be a part of a comprehensive alcohol prevention policy. Students and the business community and their advocates are the primary ones against the ordinance. What would happen with house parties is only speculation and don't know if they would increase. The police department has been aggressively working on reducing house parties. The best for business community is to have the area be safe and diverse. 4) Joel Plant, Mayor's Office, highlighted the changes recommended by DCC from the original ordinance: a) Definition of a bona fide restaurant was changed in keeping with state statutes; b) Grace period is designed to give the landlord time to apply for a liquor license - the 120 days (or 60) is only for the time needed to apply for license; c) Exceptional circumstances included - for an establishment (eg, State Street Gallery) to be able to sell wine on gallery nights. This is a rare but not unforeseeable circumstance (movie theater could be another example); d) Sunset provision - was originally but recommended to change to 4 years. Additionally an annual review will be done and the word "may" was changed to "shall" or "will" in one or more places. Can gather info/statistics for 4 years but it probably won't show a whole lot. This is designed to be a long term-acting policy. There will likely be minimal turnover in next couple of years but the real emphasis is on capping the number of establishments and see if there is a correlation between that action and the police and fire department statistics. This was done in an informal plan in the 60's when licenses were bought and sold. Density planning is not novel outside of Madison. Adding more and more liquor licenses in this compact area is not in the interest of safety, health and wellness of the community. Police Department very much supports this ordinance. The DCC

recommendations are not cast in stone and PSRB can make recommendations, too. Enforcement, Education and messaging and Environmental are the basics of this plan.

APPROVAL OF MINUTES

A motion was made by Skidmore, seconded by Smith, to Approve the Minutes. The motion passed by the following vote:

Aye: Skidmore, Judge, Pasha, Bell, Scott, Moen and Smith

UNFINISHED BUSINESS ITEMS

05831

Report of Police Chief dated February 27, 2007 re: Sensitive Crimes Interview Procedures.

A motion was made by Skidmore, seconded by Pasha, to Defer This item had been tabled because Larry Pasha was absent (he serves on the Dane County Sensitive Crimes Commission). He reported that they will be attending a conference in June and are willing to wait until after that to take up this item. The Commission sees the process as 1) looking for fine tuning of the process, new level of involvement (not based on past failures but just for progress), 2) involvement on what people are learning - what's working and what isn't working, 3) advancements in case review and to be part of the formal feedback, and 4) bridge between the 2 sides of a case - victim support and prosecution/conviction. They feel progress is being made now. Sexual Assault Response Teams will be set up after conference. The Police liaison staff person will be changing. They just want to improve the process - how victims are treated is their focus. Assistant Chief Davenport stated that this is now a current, active Madison Police Department policy. Research was done nationwide in developing it and they feel it is a sound policy. It can be placed on July agenda. The motion passed by the following vote:

Aye: Skidmore, Judge, Pasha, Bell, Scott, Moen and Smith

NEW BUSINESS ITEMS

167. [04162](#) SUBSTITUTE - Creating Section 23.12 of the Madison General Ordinances to prohibit the operation of transient hotels & motels, amending Section 1.08(3)(a) of the Madison General Ordinances to establish bail amounts, and amending Section 1.08(4) of the Madison General Ordinances to establish enforcement authority for the section.

A motion was made by Skidmore, seconded by Pasha, to Reconsider and refer to a future meeting Jennifer Zilavy of City Attorney's Office explained that this would add a registration requirement and limit how often a room can be rented in a particular time frame. Hotels/motels currently keep records but not to this specific requirement. Managers of these businesses want something in writing (law/ordinance) their staff can point use to empower them to not rent a room. South Police District Captain Jim Wheeler stated that this would be a tool to use if things starting going backwards. Pasha stated that the ordinance looked very different that what was first received, but wondered about the reference to being enforced by Public Health. Moen also noted that licensing for hotels/motels was through Health Department and that much of the enforcement was established on "reasonable belief" which was problematic. She also voiced concern over how great a problem is this and how large a burden would it place on hotel/motel owners. Zilavy explained that the ordinance is under public safety, not health and she had only discovered the public health enforcement recommendation at the meeting. Scott noted that Chula Vista CA had just adopted a similar law when this was first presented to the PSRB and related materials were given to the City Attorney's Office for review but apparently this fell through the cracks - an attempt will be made to locate the documents. PSRB found the measure, as it is written now, to be confusing and unclear. They do not have adequate information to act on the measure. The motion passed by the following vote:

Aye: Skidmore, Judge, Pasha, Bell, Scott, Moen and Smith

110. [05739](#) SUBSTITUTE - Creating Section 38.05(9)(o) of the Madison General Ordinances to establish an Alcohol Beverage License Density Plan for Police Sectors 403, 404, 405 and 406.

A motion was made by Skidmore, seconded by Smith, to Return to Lead with the Following Recommendation(s) to the ALCOHOL LICENSE REVIEW COMMITTEE After the above public comments and discussion, PSRB members gave input. On the motion to approve, it was with the intention of keeping the sunset provision at 7 years. Judge said that students were afraid of what would happen (eg, increased sexual assaults) if ordinance is passed and then have "unlicensed bars" (house parties); feels that ALRC needs to give licenses on a case-by-case basis; wants a 4-year sunset and feels the density will shift to unsafe house parties. Pasha also would like a 4 year sunset. Scott initially felt he would vote for the measure with all the DCC recommendations but wonders now what the PSRB role is - look at the substance and principles and then this is what would recommend to the Common Council? Endorse as is with a 7-year sunset. Smith was in accord with Scott - need enough time to gather data. Skidmore agreed - felt comfortable moving forward with the knowledge that the Council will hash out details. The motion passed by the following vote:

Aye: Skidmore, Scott, Moen and Smith

No: Judge, Pasha and Bell

05831 Report of Police Chief dated February 27, 2007 re: Sensitive Crimes Interview Procedures.

Continuing Discussion: City Planning/Environmental Design (dependent on time/staff availability)

Due to time constraints, this measure was not discussed but will be placed on next month's agenda.

Fire Department Report
Discussion: Future Agenda Items

Assistant Chief Keiken reported that there were 3 major fires in one month in Madison which was significant activity. There were no injuries but major structural damages. A fire marshal was present at the Mifflin Street party inspecting for safety and did find one deck which was overloaded and a potential tragedy averted by this inspection. Overall that event went well. There was also a Beltline fatality where emergency vehicles time response was impeded due to the fact that drivers refused to pull over to the side of the road. It is difficult to enforce this law because of all the other things going on at such a critical time. Skidmore is looking to introduce some measure regarding this and Smith suggested perhaps the TEST police unit could assist in a sweep "project." The high-rise fire burning exercise is scheduled for July and A/C Keiken will get details to members so they can observe if desired.

Environmental Design (Brad Murphy); Vandalism in Parks (dovetail with environmental design) (Jim Morgan); traffic calming devices (TE - Dave Dwyer); Update on the Police issue of minority traffic stops; also want to again receive Calls for Service statistics - A/C Davenport said these are in the works. He also shared with members that a Staffing Study for the Police Department would be underway once the company was selected (received 6 proposals) and both an alder and citizen member would be welcome; all invited to the Awards Ceremony at Monona Terrace tomorrow evening; and to the Strategic Planning Conference at American Family this weekend. Introductions were also made to and from new PSRB member, Alder Eli Judge.

ADJOURNMENT

Meeting adjourned at 7:00 PM on a motion by Scott, seconded by Skidmore.