

**AMENDED
CITY OF STEVENS POINT
PUBLIC PROTECTION COMMITTEE
Monday, May 12, 2014 – 7:17 P.M.
Lincoln Center, 1519 Water Street**

Present: Alderpersons: Slowinski, Wiza, Trzebiatowski, Doxtator, M. Stroik

Also

Present: Mayor Halverson; City Attorney Beveridge; Clerk Moe; Comptroller/Treasurer Ladick; Alderpersons Suomi, O’Meara, Patton, R. Stroik, Phillips and Moore; Directors Schrader, Lemke and Ostrowski; Interim Chief Finn; Asst. Chief Skibba; Superintendent Laidlaw; Asst. to the Mayor Pazdernik; Tricia Church; Mary Ann Laszewski; Barb Jacob; Daniel Weisbrot; Jignesh Panehal; Leena Panehal; Kevin Hagen; Jesse Suchowski; Bonnie Christner; Shannon Schoenberg; Tiffany Lintz; Lloyd Graff; Megan Jammer; Becky Mattison; Jason Mattison; Chuck Rasmussen; Larry Lee; David Schuman; Sarah Wallace; John Moss; Tom Soik; Emily Bouche; Heidi Slowinski; Mike Slowinski; Jen Barlow; Aaron Lewis; Bob Fisch; Neil Prendergast; Nate Enwald – Gazette; Brandi Makuski – City Times; Brian Kowalski - Journal

Discussion and Possible Action on the Following:

1. License List:

- A. New Operator’s (Bartender’s) Licenses.**
- B. Renewal Operator’s Licenses.**
- C. Temporary Class “B” / “Class B” License (Picnic) - St. Stephen Parish, 1401 Clark Street, for St. Stephen Family Fest on June 22, 2014 at 1335 Clark Street. Licensed operator on the premise: Gary Marquard. (Beer and Wine).**
- D. Temporary Extension Of Licensed Premise Adventure 212 LLC, 3217 John Joanis Drive, Stevens Point, at Bistro 212, request for temporary extension of licensed premise to include the outside of the south end of the building, around the doors from the end by the cardio studio to the end of the spin studio for a special event on Friday, June 6, 2014 from 5:00 p.m. to 11:00 p.m.**
- E. “Class B” Combination Beer And Liquor License - Shree Laxmi Narayan, Inc. for Econo Lodge, 5110 Main Street, Stevens Point for license period beginning July 1, 2014.**

Ald. Slowinski asked if the Police Department has any issues with these requests.

Asst. Chief Skibba replied there are no issues with this request.

Ald. Slowinski asked if anyone in the audience has any issues with these requests.

Ald. Wiza moved, Ald. Trzebiatowski seconded, to approve 31 new operator/bartender licenses, 12 renewal operator/bartender licenses , temporary Class “B” / “Class B” for St. Stephen Parish, 1401 Clark Street for St. Stephen Family Fest on June 22, 2014 at 1335 Clark Street with licensed operator on the premise being Gary Marquard for beer and wine, “Class B” Combination Beer And Liquor License - Shree Laxmi Narayan, Inc. for Econo Lodge, 5110 Main Street, Stevens Point for license period beginning July 1, 2014, and Temporary Extension Of Licensed Premise Adventure 212 LLC, 3217 John Joanis Drive, Stevens Point, at Bistro 212, request for temporary extension of licensed premise to include the outside of the south end of the building, around the doors from the end by the cardio studio to the end of the spin studio for a special event on Friday, June 6, 2014.

Ald. Trzebiatowski asked about a map of the Temporary Extension Of Licensed Premise Adventure 212 LLC.

Clerk Moe stated it was emailed to the members after the packets went out.

Call for the vote: Ayes, all; nays, none; motion carried.

F. Pawnbroker License - Nekoosa Cash Advance LLC, doing business as Point Title and Pawn Loans, 2625 Church Street, Stevens Point, WI, Dan Spaulding, owner.

Dan Spaulding, Nekoosa Cash Advance, requested an expansion to his business at the location of 2625 Church Street to offer Auto Title Loans and Collateral Loans. He said the items will be shipped to an auction if they are not picked up. He explained he will not be running a pawn shop.

Ald Wiza clarified that the business would be held to the same standards as a pawn shop even though he does not classify himself as one.

Mr. Spaulding stated he understands his business would be held to those standards and will comply with them. He explained that Nekoosa Police Chief Woods receives a fax of all pawn tickets every day and would provide any information if requested by Stevens Point.

Asst. Chief Skibba stated he has no issues with this business as long as it abides by all the rules explained by the City Attorney.

City Att. Beverage spoke to the owner about the bond required for a pawn license and since that was provided to the Clerk, he has no issues with the license.

Ald. Trzebiatowski raised concerns about advertising signs being in the public right-of-way. He asked that Mr. Spaulding adhere to the City sign ordinances.

Ald. Wiza **moved**, Ald. M. Stroik seconded, to approve the Pawnbrokers License for Nekoosa Cash Advance LLC, doing business as Point Title and Pawn Loans at 2625 Church Street, Stevens Point, WI with Dan Spaulding the owner.

Call for the vote: Ayes, all; nays, none; motion carried.

Ald. Trzebiatowski asked if the Pawnbrokers License is a yearly license.

Clerk Moe said it is a yearly license.

G. 2014-2015 Retail Alcohol Renewals.

Asst. Chief Skibba said there are no issues with this request as most of the businesses passed all the checks performed by the Police Department.

Ald. Wiza **moved**, Ald. Doxtator seconded, to approve 55 Class "B" Beer and Liquor licenses, one reserve Class "B" Beer and Liquor license, 9 Class "B" Beer and Class "C" Wine licenses, 8 Class "B" Beer licenses, 18 Class "A" Liquor and Class "A" Fermented Licenses, and 6 Class "A" Fermented Licenses.

Call for the vote: Ayes, all; nays, none; motion carried.

2. Request to Hold Event / Street Closings:

- A. Stevens Point Area YMCA Lactic Edge Triathlon – Saturday, July 12, 2014. Partial closure of Crosby Ave., Forest St., Franklin St. and roads within Bukolt Park for the duration of the event.**
- B. Sentry Insurance Company Picnic – Sunday August 3, 2014. Partial closure of Crosby Ave.**

- C. **United Way of Portage County – 2014 Run, Bike, United Duathlon Amendment – Closure of a portion of Illinois Ave for the Kids Duathlon on August 22, 2014.**
- D. **Stevens Point Police Officers Organization – Run from the Cops 5K on October 4, 2014. Closure of a portion of Church St.**
- E. **UWSP Homecoming 5K Color Run – 5:30 p.m. on Tuesday, September 23, 2014.**
- F. **City Parks & Recreational Services - 13th Annual 4th of July Parade on Friday, July 4, 2014, at 12:00 p.m. Closure of a portion of Main Street.**

Ald. Slowinski said Item E, UWSP 5K Color Run, has been withdrawn at this time.

Ald. Wiza asks if the roads have always been closed for the YMCA Lactic Edge Triathlon.

Dir. Schrader stated Bukolt Park roads have always been closed for this event.

Ald. Trzebiatowski **moved**, Ald. Wiza seconded, to approve partial closure of Crosby Ave., Forest St., Franklin St. and roads within Bukolt Park for Stevens Point Area YMCA Lactic Edge Triathlon on Saturday, July 12, 2014, partial closure of Crosby Ave. for Sentry Insurance Company Picnic on Sunday August 3, 2014, United Way of Portage County's Amendment for a Kids Duathlon on August 22, 2014, and closure of a portion of Church St. for the Stevens Point Police Officers Organization – Run from the Cops 5K on October 4, 2014.

Call for the vote: Ayes, all; nays, none; motion carried.

3. Ordinance Amendment – Arrow discharge exceptions (Sect. 24.14(8) of the RMC).

Ald. Wiza thanked the City Attorney for his work drafting the exemption for physical education classes from the current arrow discharge restrictions within the city.

Ald. Slowinski asked if anyone in the audience has any issues with these requests.

Ald. Wiza **moved**, Ald. M. Stroik seconded, to approve the arrow discharge exemptions for physical education classes.

Call for the vote: Ayes, all; nays, none; motion carried.

4. Ordinance Amendment – Municipal Court procedures (Sect. 33.06 of the RMC).

City Att. Beverage explained that the removal of the location from the ordinance provides flexibility to change the municipal court location if needed.

Ald. Trzebiatowski **moved**, Ald. Wiza seconded, to approve the Ordinance Amendment to remove the location requirement.

Call for the vote: Ayes, all; nays, none; motion carried.

5. Request to keep Chickens:

A. Lloyd Graff 1240 Edgewood Ave.

Lloyd Graff, 1240 Edgewood Avenue, requested approval for 3 laying hens in an outdoor chicken coop with a dedicated chicken run which is attached to his fenced in garden.

Ald. Wiza asked about the 2 broilers mentioned in the request

Mr. Graff stated the 2 broilers would be for meat production and housed for 8 weeks. He is looking for 3 long-term hens and 2 short-term broilers at his residence.

Ald. Wiza explained that a certain number of chickens are approved by the Council, regardless of the length of time they will be housed. He asked the City Attorney if butchering in the city is prohibited

City Att. Beverage stated he will provide the answer to that next week.

Ald. Wiza **moved**, Ald. Doxtator seconded, to approve Lloyd Graff to raise no more than 5 chickens, no roosters, at 1240 Edgewood Ave.

Clerk Moe requested the addition of the Humane Society inspection caveat to the motion.

Ald. Wiza pointed out that anyone who is requesting the ability to raise chickens have the Humane Society inspect the facilities to make sure they are adequate and safe for the chickens.

Mayor Halverson pointed out that even though butchering does not happen on site with the broilers, larger scale food operations and processing of the carcass could start to happen on site. He cautioned the committee about any reference to processing the meat in a residential area.

Ald. Wiza pointed out that the Council is approving the raising of five chickens on the property and whatever is done with them has to comply with current city ordinances.

Call for the vote: Ayes, all; nays, none; motion carried.

B. Emily Bouche 2333 Dixon St.

Emily Bouche, 2333 Dixon Street said she has been raising chickens in her school classroom. She would like to move these to her house.

Ald. Slowinski asked how many chickens she would like approval for.

Ms. Bouche stated 6.

Ald. Wiza asked about a chicken run, as there was none in the diagram.

Ms. Bouche said she would have a moveable run.

Ald. Wiza asked if her yard is fenced in and when she will have the coop built.

Ms. Bouche answered that her yard is fenced and she has the run completed.

Ald. Wiza stated that Ms. Bouche would need to contact the Humane Society for an inspection. He also asked if she would have six new chickens every school year from her class.

Ms. Bouche said she has local farmers who will take the future chickens.

Ald. Trzebiatowski **moved**, Ald. M. Stroik seconded, to approve Emily Bouche to raise up to six chickens, no roosters, subject to Humane Society approval of the facilities at 2333 Dixon Street.

Mayor Halverson stated if there are neighbors to the rear of the property, they should be contacted.

Clerk Moe said all neighbors within a 200 foot radius have been notified of the request to raise chickens.

Call for the vote: Ayes, all; nays, none; motion carried.

C. Jennifer Barlow & Aaron Lewis 448 West Clark St.

Aaron Lewis, 448 Clark Street requests permission to raise 5 chickens for egg-laying purposes. The coop will be 6x8 feet adjacent to the garage.

Ald. Slowinski asked about the number of chickens Mr. Lewis is requesting as his documentation states 5 to 10 chickens.

Mr. Lewis said the number will be 5 chickens

Ald. Wiza **moved**, Ald. M. Stroik seconded, to approve Jennifer Barlow & Aaron Lewis to raise no more than 5 chickens, no roosters, subject to Humane Society approval of the facilities at 1240 Edgewood Ave.

Ald. M. Stroik asked about heat for the chicken coop in winter.

Mr. Lewis said there will be a heat lamp within the coop in the winter.

Heidi Slowinski, 440 W. Clark Street, expressed concern for the resale of her property as the chicken coop will be adjacent to her driveway.

Mr. Lewis explained there will be a 6 foot fence going up all the way around on her side of the property.

Ms. Slowinski still had concerns with the resale value of her house.

Ald. R. Stroik explains the current proposal to fence all the way up to Clark Street could have chickens standing next to the sidewalk on Clark street. If the run area was made smaller, the concerns of the neighbor could be addressed.

Ald. Wiza asked if the whole yard will be used as a run for the chickens.

Mr. Lewis stated the fence will be all around the property, but the chicken run will have a separate area that the chickens will not leave. The run will be about 6x8 feet.

Mayor Halverson asked if Director Ostrowski thinks this property's fence on Clark Street will be treated as a side fence.

Dir. Ostrowski explained the lot is a double lot so the fence could be six feet tall if it is ten feet back on the property, otherwise it needs to be an open fence.

Ald. Wiza asked where Ms. Slowinski lives.

Ms. Slowinski stated she lives on the east side of the property.

Mike Slowinski, Junction City, asked if the city has an ordinance on the fence, floor material, run construction material, and the removal of chicken droppings around the coop.

Ald. Wiza explained there are no specific requirements for a chicken coop or removal of the droppings as long as it complies with the rest of the City's ordinances. The coop is inspected by the Humane Society to verify the condition of the coop.

Ald. Slowinski stated if complaints are made, the approval will be brought before the City.

Clerk Moe explained if any complaints come into the City, the permit for raising chickens could be brought back before the Public Protection Committee.

Mayor Halverson asked for a denial due to the proximity of the coop to the adjacent property in a highly dense area.

Ald. Doxtator said he would approve the request as the coop and run are close to his house.

Ald. Phillips stated the Council should listen to the objection of the neighbor and reject the proposal.

Dir. Ostrowski suggested amending the motion on the floor to require a 6 foot fence privacy fence around the property as shown on the plan.

Ald. Wiza **amended** the motion, Ald. M. Stroik withdrew her second, Ald. Doxtator seconded, to add a six foot fence as the layout shows in accordance with all city ordinances.

Call for the vote: Ayes, minority; Nays, majority; motion failed.

Ald. Slowinski pointed out that the denial would not be official until it goes before the Common Council meeting May 19th.

D. Daniel Weisbrot 449 West Harding Ave.

Daniel Weisbrot, 449 West Harding Avenue, requested permission to keep 8 hens at 449 West Harding Ave.

Ald. Trzebiatowski expressed concerns with a missing diagram of property layout.

Ald. Wiza expressed concerns with not only the missing layout, but also the lack of contact with the neighbors.

Mr. Weisbrot stated he talked to the neighbors and they had no problems with him raising chickens.

Ald. Wiza asked Mr. Weisbrot to get signatures from his neighbors and to resubmit his application.

Ald. Slowinski stated the City has not received proof of insurance from Mr. Weisbrot yet.

Ald. R. Stroik stated he had several calls from the neighbors stating Mr. Weisbrot has chickens in the yard already but not in a structure. He also received complaints about Mr. Weisbrot's dog leaving feces in others yards, which shows a pattern of lack of upkeep. He said four neighbors have asked for him to speak on their behalf about their concerns about Mr. Weisbrot caring for animals.

Tom Soik, speaking on behalf of his dad, Henry Soik, 424 West Harding Ave., expressed concerns regarding the care of the animals. He stated that Mr. Weisbrot's dog captured and killed one of the chickens he already had in his yard. He is opposed to Mr. Weisbrot raising chickens without a fence.

Mr. Weisbrot stated he thought he could have up to 12 chickens in the City. When the incident with the dog happened, a Humane Society representative came out to assess the situation. She suggested a few modifications. He stated he will put up fencing to keep the dog in the yard.

Mayor Halverson said since the lot is big, if the coop layout is appropriate and more detail and insurance records are given, his request will probably be approved.

Ald. Wiza suggested that no action be taken presently. He requested Mr. Weisbrot provide a drawn layout, neighbors' signatures, and proof of insurance by Friday, May 16th to the City Clerk to be forwarded to the Council before its next meeting.

No action was taken at this time.

***6. Discussion on the licensing of e-cigarette / vapor bars.**

City Att. Beverage reiterated the process for creating a license for vapor bars and asked if the committee had discussed the goals of a licensing.

Ald. Trzebiatowski expressed the opinion that there be some regulation of e-cigarette/vapor bars. He was concerned that if the City created a two year license there might be statutory changes made to the products legality within that time.

Ald. Slowinski agreed that oversight is needed.

Ald. Wiza stated it is legal to use e-cigarettes and it is not under the City's purview to enforce the legality; however, he does think a license should be required as many other activities within the city are license.

City Att. Beverage asked what requirement Ald. Wiza would like to see on the license.

Ald. Wiza said he would like it similar to a food vending license, with a sanitary environment, adequate seating, parking, and a health inspection.

City Att. Beverage pointed out that parking will be addressed through the zoning conditional use permit and some requirement in the food license would not apply to vapor bars. However, he can begin to look at the requirements and make comments on what is applicable.

Ald. Trzebiatowski asked what constitutes a vapor bar.

City Att. Beverage said the 25% threshold that is the guideline that will be used for now.

Ald. Doxtator expressed concerns with retailers teaching customers how to use illegal drugs within the e-cigarettes. He stated it should be regulated with a license as there are safety and health concerns.

Ald. M. Stroik would like to see more input taken as the City moves forward.

City Att. Beverage said it was his expectation that the Council would discuss this next week and possibly bring back a licensing scheme next month.

Barb Jacob, 1616 Depot St., feels that if the location was just selling the stuff then it is retail. If their customers are using it in the bar, than it is vapor bar. She feels this should be looked at just like taverns.

Ald. O'Meara said he would just assume not to have vapor bars. In regards to the legislation, he would like to have the same proximity limit from schools and playgrounds as the City has for taverns.

Ald. R. Stroik said the City should consider whether we want to look at having something similar to the smoking ban put into place. He would prefer going in that direction until the Council knows more about it and then they could always come back and relax the regulation.

Ald. Wiza noted that he agrees that it may be unsafe but there are things people do every day that are not safe. He also noted that e-cigarettes and vapors are legal and people can go into businesses, use e-cigarettes and it does not make them a vapor bar.

Ald. Slowinski said he agreed with Ald. O'Meara in that when e-cigarettes start to affect other people, the City must look at possible regulation.

Ald. Trzebiatowski asked if the City has the authority to regulate these products under state law.

City Att. Beverage replied that currently we do.

Mayor Halverson said he spoke with the Tobacco Free Coalition of Central Wisconsin about this issue and he will forward a copy of the information he received to Council members. E-cigarettes are less harmful than cigarettes but there are traces of carcinogens. He believes that having vapor bars as a conditional use in all zoning districts B1 and above and having a licensing process in place based on the Plan Commission's definition makes the most sense at this point.

John Moss, 5572 Pinewood Dr., stated that state law prohibits the possession of e-cigarettes by individuals under 18 years of age.

7. Discussion on the parking and/or storing of accessory or recreational vehicles in residential areas.

Ald. Phillips noted a residential lot in his district is currently being used to store equipment such as trailers including construction trailers. He is looking for an ordinance to prohibit this activity. He asked the Committee members to review the ordinance from the City of Green Bay that is within the packet.

Ald. Trzebiatowski agrees with Ald. Phillips that this is a problem in the City that needs to be addressed.

Ald. Wiza would like to see a definition of "recreational vehicle" and that there should be an exception for equipment placed in the front yard with a "For Sale" sign on it. He also had concerns with placing a limit on the number of recreational vehicles per parcel and length of time kept at the location.

Dir. Ostrowski cautioned the Committee on the maximum number allowed on a property.

Ald. Slowinski encouraged alderpersons to contact Dir. Ostrowski with any questions, concerns or ideas on the topic.

8. Monthly Inspection Report.

Ald. Wiza moved, Ald. M. Stroik seconded, to accept the report and place it on file.

Call for the vote: Ayes, all; nays, none; motion carried.

9. Adjournment.

Adjourned at 8:45 p.m.