

MEETING MINUTES
PUBLIC SAFETY COMMITTEE MEETING
AUGUST 5, 2013
GERMANTOWN VILLAGE HALL BOARD ROOM

CALL: The meeting was called to order at 5:35 p.m. by Secretary Barth.

ROLL CALL: Trustees Daniels, Ewert and Hughes were present. Chairperson Werderman was absent and excused.

A motion was made by Hughes, seconded by Daniels, to appoint Trustee Ewert as Chairman Pro Tem. Motion carried unanimously.

Also present were Chief Hoell, Chief Pollpeter, Deputy Chief Stark, Village President Wolter, Village Attorney Sajdak, Village Clerk Goeckner.

PUBLIC COMMENT: No discussion.

APPROVAL OF MINUTES: A motion was made by Daniels, seconded by Hughes, to approve the minutes of the July 1, 2013 Public Safety Committee meeting. Motion carried unanimously.

A motion was made by Hughes, seconded by Daniels, to move to New Business and take the agenda items in order. Motion carried unanimously.

DANCE LICENSE, ST. BONIFACE CONGREGATION, W204 N11940 GOLDENDALE RD., GERMANTOWN, AUGUST 31ST 4:00 PM - 11:00 PM AND SEPTEMBER 1ST 10:00 AM - 10:30 PM.: a motion was made by Hughes, seconded by Daniels, to forward this item to Village Board with a recommendation of approval for the Dance License to St. Boniface for Aug. 31 - Sept. 1, 2013. Motion carried unanimously.

BIER STUBE OUTSIDE PREMISES EXTENSION - REVIEW AND DISCUSSION: President Wolter advised that concerned area residents had contacted Trustee Werderman and he placed this item on the agenda for discussion. Residents also submitted a signed petition against the Bier Stube listing multiple concerns. Wolters stated that the police department needs some clear direction to use when responding to calls for service and that at this time they are relying on officer's discretion for noise complaints.

Area residents were present at this meeting and expressed their concerns.

Carrie Schuster, N116 W15881 Main Street - listed her concerns which included the following:

- Music too loud Thursday - Sunday with amplifiers, microphone singing, and yelling
- Have had to call police due to loud music several times
- Have called trustees and Village President and was not satisfied with their response
- Landscaping that was done was not what they had agreed to - it is too sparse and doesn't provide buffer (pictures provided to the committee)
- Garage bar was supposed to be for personnel only but now patrons are at that location
- Air conditioner unit has not been enclosed
- Outside area by kitchen is being used daily and should be fenced
- Loud music is the primary concern

Nancy Lietzau of N116 W15925 Main Street expressed her concerns which included:

- Decibel levels should be monitored, if PD could purchase a decibel meter they could enforce the decibel levels described in Village ordinance 17.47
- The type of music was discussed at former meetings, but the loudness wasn't talked about and that has become a major concern
- Neighbors have a decibel meter and many times it has registered over 72 while music is playing

Attorney John Domaszek of Sorrentino Burket Law Group was present representing Mr. Hastings and advised he was there to address some of the citizen's concerns. He stated that they had checked the zoning map and Bier Stube was zoned B3 for general business and the business is primarily run as a tavern. He added that area residences were also within an area zoned for business from B - C3. Attorney Domaszek advised that the area - which is zoned for business - has had police respond 11 times recently. He said it was his understanding that Mr. Hastings cooperated fully with the police and that there had been no problems noted or citations would have been issued.

Chief Hoell commented that there were 8 dates where noise complaints were reported to the police department with multiple calls on some of the dates. He advised that the dispositions indicated that the noise was not excessive or in violation, and during one of the incidents officers requested the manager to turn down the music which was done. Hoell explained that if a decibel meter is to be used to monitor noise levels, it would need to be a Type 1 decibel meter which is more sophisticated and accurate, and officers would need to be trained to use it. He added this would take some time to arrange, and to purchase the unit would be about \$400 for the meter and \$200 for the calibration unit.

Hughes indicated that he felt the initial discussions on music type were downplayed and did not include bands with speakers and amplifiers.

Chaz Hastings stated that the speakers used were not stacked and are about 18" off the floor of the stage with small amplifiers. He also described how decibel readings from his phone app could vary and gave an example of a reading of 80 in the boardroom. He said that a limit of 72 would restrict all music in the Village and that air conditioners are louder than 72.

Daniels referred to earlier discussions which indicated there would be live music 2-3 days/week including acoustic music, Hastings responded that he did not recall those specifics but apologized for the misunderstanding and said he would go back to three days if necessary. He added that he has already taken measures to appease neighbors' concerns by changing the end time from 11:00PM to 10:00PM, and adding fencing and shrubbery. He indicated that he had purchased a business in an area zoned for business.

Wolters advised the committee that they were looking for some direction from the committee on how to proceed with this matter and to give the police department some guidance on how to handle complaints in a fair manner and issue warnings/citations if there is a clear violation. He added that there needs to be an outline established that shows how the business can operate so the police department and residents know what to expect. He added that readings should be taken from the edge of the property, not next to the stage. He recommended that the committee request the police department to purchase a decibel meter and send this matter to the Village Board.

Village Attorney Sajdak advised the committee to proceed with getting Board backing on this matter, and added that the Village Code currently sets decibel levels at outside of the property. He supported Hoell's concerns regarding obtaining a unit which can be properly calibrated and having the officers trained to use it.

A motion was made by Ewert, seconded by Hughes, to direct the police department to purchase a decibel meter and calibration unit. There was further discussion with Hoell stating the meter could be purchased using funds in the current budget and he estimated there may be a 3 week window to get the unit, train officers and establish guidelines. Wolter said this was a good option and would be fair to the residents, police department and businesses. He also said he would prefer that the current ordinance in place remain as is and not be tailored to apply to this matter under discussion. Attorney Sajdak cautioned there may be "unintended consequences" by using the number 72 when taking readings. He recommended that there be further research into what other municipalities are using for noise levels, what they have in place and how they are enforced. He gave an example of how a neighbor could call in a complaint on another neighbor's air conditioning unit for loud noise.

Ewert stated that Hoell should bring back additional information when he has it and this matter would be placed on the August 19th Board Meeting agenda for further discussion. Motion carried unanimously.

AN ORDINANCE AMENDING SECTIONS 12.02(5) INTOXICATING LIQUOR & FERMENTED MALT BEVERAGES - LICENSE APPLICATION; 12.11(2) PAWNBROKERS & SECONDHAND ARTICLE & JEWELRY DEALERS APPLICATION; 12.12(1) COIN DEALERS - LICENSE REQUIRED, OF THE MUNICIPAL CODE OF GERMANTOWN RELATING TO THE APPLICATION REQUIREMENTS OF PHOTOS & FINGERPRINTING: Sajdak advised that Clerk Goeckner has been reviewing past practices in ordinances and the above three listed are currently required by code to have fingerprints and mug shots taken by the police department. He said those requirements are unique to Germantown and it would be his suggestion to remove those requirements. Hoell agreed, stating that officers are taken off of patrol and other duties to process these applications which can be very time-consuming.

A motion was made by Hughes, seconded by Daniels, to forward these amendments to ordinance to Village Board with a recommendation of approval, motion carried unanimously.

POLICE DEPARTMENT MONTHLY REPORT: Hoell reported that activity in general has been increased over the summer months including adult arrests, thefts, and domestics. He stated the department is currently investigating 5 sudden death cases, and he reported on a SWAT call the department responded to. Hoell updated the committee on staffing issues and said the communications officer position had been filled, there were 2 conditional offers of employment made to officer applicants pending completion of physical and psychological exams, and Detective Yogerst had retired after 35 years of service. Hoell stated the NAC program had been well attended and thanked the fire department for their assistance at the event.

FIRE DEPARTMENT MONTHLY REPORT: Pollpeter expressed his thanks to Danielle Switalski of Germantown Now for her recent In Your Shoes article on firefighters.

Pollpeter reported there were 24 fire alarm situations for the month of June and 87 EMS alarm situations.

OVERTIME REPORTS - POLICE & FIRE DEPARTMENT: Hoell indicated the police department's overtime is tracking normally. Pollpeter stated the fire department's is also tracking normally though they have had some busy weekends.

POLICY UPDATES: No discussion.

NEXT MEETING: Ewert advised that the September meeting date would be determined at a later date due to the Labor Day holiday.

ADJOURNMENT: There being no further business, the meeting was adjourned at 6:35 p.m.

Recorded by,

Julie L. Barth
Secretary