

## TOWN OF GREEN BAY PLANNING COMMISSION MINUTES

**DATE:** 5/20/08

**TIME:** 7:03 p.m.

**PRESENT:** John Metzler, Dawn Goodman, Gary Jonet, Dianne Jacobs, Bob Geyer, Mike Gilson.

**ABSENT:** Bob Boncher (excused due to prior employment commitment)

\*Others present: Charlotte Gilson and James J. Lamperer.

**APPROVAL OF LAST MEETING'S MINUTES:** John Metzler opened the meeting & noted that it was properly posted in 3 places. The minutes from the 4/22/08 Planning Commission Meeting were reviewed.

**MOTION MADE BY:** Bob Geyer to accept the minutes.

**MOTION 2NDED BY:** Dianne Jacobs.

**AYES:** 6

**NAYS:** None

**MOTION CARRIED.**

**ISSUE #1: Rezoning and eventual sale/transfer of Dawn Delvaux Goodman Parcel A, (part of the NE ¼ of the NW ¼ of Section 2, T24N-R22E in the Town of Green Bay), (.21 Acres), which is behind the Palm Garden's Restaurant, to the owners of the Palm Garden's Restaurant. (7:15-7:20 pm).**

Dawn Goodman presented her request to the Planning Commission, explaining that it came about due to the Palm Gardens Restaurant's putting part of its new septic system onto her adjoining property by mistake and that upon advice from Dawn's lawyer and agreement by the Palm Garden's owners, this mode of action was advised.

**MOTION MADE BY:** Dianne Jacobs to recommend to the Town of Green Bay Board:

1. To accept the Rezoning request Amendment #600-J, of Dawn Delvaux Goodman Parcel A, (part of the NE ¼ of the NW ¼ of Section 2, T24N-R22E in the Town of Green Bay), (.21 Acres), which is behind the Palm Garden's Restaurant, tonight and accept said parcel to be rezoned from A-1 Agriculture to B-1 business.
2. To set a date for the Town Board to hold a hearing on this matter on Tuesday, June 10, 2008 at 6:45 p.m.

**MOTION 2NDED BY:** Gary Jonet

**AYES:** 5; **ABSTAINS:** Dawn Goodman abstained due to it being a matter that concerned her;

**NAYS:** None. **MOTION CARRIED.**

**ISSUE #2: Continued Discussion About a Sex Offender Ordinance. (7:20-7:50 p.m.).**

Dawn Goodman informed the Planning Commission that she has completed doing data entry on a preliminary version of the Town of Green Bay Sex Offender Ordinance based on the preliminary "Town of Humboldt Sexual Offender Presence and Activity Restrictions and Neighborhood Watch Committee". She explained that she changed any wording from Town of Humboldt to Town of Green Bay and waited to change anything more until the Planning Commission instructed her on what to change or delete. She also reminded the Planning Commission that the Town of Humboldt version was not final and not approved by the Department of Corrections and the Brown County Sheriff's Department.

The Planning Commission noted that Town of Green Bay chairman, Lee De Champs instructed them to make sure that in Section 5 (Prohibited Presence of Restricted Offender 5.1), that it read: "It is unlawful for Restricted Offenders to be Present within a two thousand feet (2,000) foot radius of certain Excluded areas". This differs from the Humboldt version, which only states 300 feet.

There was also a discussion about Section 7, which involves the formation of a Neighborhood Watch Committee. The Planning Commission members would like to know if this Neighborhood Watch Committee (NWC) is mandatory. There was further discussion about the liability of members of such a Neighborhood Watch Committee if a NWC member failed to follow or made a mistake enforcing all of the requirements listed in Section 7. Dianne Jacobs also questioned if it was necessary to form the NWC immediately or perhaps it could wait until an offender is in the community. She also questioned if there would have to be 3 people on the Committee, as suggested by the Town of Humboldt.

The Planning Commission decided to table the matter til June and that Dianne Jacobs should discuss these matters with Chairman Lee DeChamps and then one of them would approach attorney Steve Gillis to

clarify these matters before proceeding. It was also noted that because of this delay, the Sex Offender Moratorium will be extended.

**ISSUE #3: Discussion about Outdoor Woodburners and Ordinance (7:50-8:20 p.m.)**

Dawn Goodman reviewed the changes the Planning Commission made at the last meeting to the proposed ordinance. The Board discussed the changes and discussed if variances may have to be asked for and perhaps even a Conditional use permit. Bob Geyer did not like that idea and thought everything was covered already. Mike Gilson said he was opposed to the entire ordinance because it should be “all or nothing”. Gary Jonet noted that the current outdoor woodburner nuisance issue is in part due to homes being too close to each other. Mike Gilson reminded the group that we are mostly rural and it is not appropriate to ban all burning.

Dianne Jacobs made a motion at 8:07 to open the floor because 2 of the community members involved in the nuisance issue were in attendance. Bob Geyer seconded the motion. Motion carried. Floor opened.

James Lamperer asked for clarification on Estate Residential and distances involved. He explained that the situation they were in was complicated by the slope of the properties, which brought the offending smokestack in close proximity to his furnace’s cold air intake. Charlotte Gilson and Mr. Lamperer both expressed doubt that the ordinance would apply to their situation and probably not help them. The Planning Commission explained that pre-existing furnaces would be grand-fathered in, as is usually the case in such situations. Bob Geyer explained that he had done all that he could do and that Charlotte would need to continue pursuing the matter with Brown County and follow their procedures on calling to report the matter and that the County could then issue a citation. Charlotte said this was difficult to do because all 3 complaints have to go in at the same time and the County has to witness the situation at the time it is happening. She said there are too many variables involved and that winds change and make it difficult for that to happen. More discussion ensued about chimney height being increased on the smoke stack in question, the type of wood being used, etc. It was noted that there is not much smoke being generated at this time because it was used for heating and that it could be problematic again in Fall. John Metzler read from the Luxemburg Ordinance that was recently passed. There was discussion about that and how many other communities are having to deal with the issue as populations increase in the rural areas. The Planning Commission concluded there was nothing more it could do in this particular nuisance matter.

John Metzler made a motion to close the floor at 8:27 p.m. Mike Gilson seconded it. Motion carried. Floor closed.

**MOTION MADE BY:** Dianne Jacobs to recommend to the Town of Green Bay Board:

1. To approve the Outdoor Furnaces Ordinance #586-J for the Town of Green Bay, and
2. To set a date for the Town Board to hold a hearing on Tuesday, June 10, 2008 at 6:30 p.m.

**MOTION 2NDED BY:** Bob Geyer

**AYES: 5; NAYS: 1 (Mike Gilson disagreed).**

**MOTION CARRIED.**

**ISSUE #4: Any Other Business (p.m.)**

There were no other issues or business addressed.

**DATE & TIME OF NEXT MEETING WERE SET: Tuesday, June 24, 2008 at 7:00 p.m.** It was noted that John Metzler would not be able to attend due to work. Bob Boncher will be late due to work that night.

**MOTION to Adjourn Made by: Mike Gilson. Bob Geyer 2nded. 6 Ayes, No Nays. Motion carried.**

**TIME OF ADJOURNMENT: 8:51 p.m.**

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**Planning Commission Chairman**

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**Planning Commission Secretary**