

The following communications were emailed to all City of Manitowoc Alderpersons and the Mayor of Manitowoc prior to their deliberations on the Lotus Recovery Homes application for a conditional use of 404-406-408 N. Lake Street

NOVEMBER 2, 2023

To Madison Elementary School PTO:

We apologize for continuing to take your time. We have considered distributing flyers outside Madison School during Parent-Teacher Conferences today and tomorrow. However, we don't wish to disrupt the conferences or present what might be disturbing information to a parent while their child is present. Is there a better way we could distribute information to parents? If we submitted to you a brief informational piece -- and it met with your approval -- would you distribute it to parents and other members of the PTO?

We should note, since many Madison parents reside in the 3rd Aldermanic District: Alderperson Michael Cummings has committed to voting against approval of the Lake Street Conditional Use.

We feel that Lotus has used the credibility of organizations that are doing good work -- The Crossing and Drug Court -- to slide into situations where Lotus would not be functioning with the same intentions or effectiveness. But, if approved, Lotus will greatly enlarge the number of residents in Manitowoc 1) under deferred prosecution for, or 2) serving sentences for, drug offenses. We have personally witnessed that Lotus's Lake Street facility was persistently a magnet for participants in the illegal drug trade.

Lotus's ineffectiveness and neglect was most recently shown last Sunday by the overdose involving a Drug Court occupant at Lotus's Marshall Street facility. Such use by Lotus is currently illegal, but has continued. Due to Lotus's failure to obtain permission from the City of Manitowoc to operate a halfway house at Marshall Street, Lotus has been under no legal requirements for the level of supervision to be applied there. Regardless, had Lotus applied an appropriate level of supervision, a visitor with deadly drugs would not have been allowed to enter the victim's apartment and participate in the overdose. The young man's life, which was barely saved, has taken a severe turn for the worse that could have been avoided. He's currently in jail.

As to the home at 5th and Park, less than two blocks from Madison School, on a heavily-traveled pedestrian route to and from school: Lotus's request for a Conditional Use Permit was approved by the Common Council at its October meeting. The report to the City of Manitowoc Plan Commission characterized Lotus's use as a mere extension of what The Crossing has been doing at Park Street since that home was removed from the tax rolls in 2016:

"The Crossing currently operates a transitional housing use at 419 Park Street for up to 12 mothers and their children."

What has been neglected and unquestioned appears in the next paragraph of the report:

" . . . if the need [to house mothers and children] decreases or another agency provides this service the lease allows them (Lotus) to convert to a men's home . . .".

Whether the City, much less MPSD, would have any input regarding such a conversion, or which program the 12 men would be housed under, is completely undefined.

Obviously, the 12 men at Park Street would not be placed by The Crossing. And it was confirmed in Lori Fure's email yesterday that Manitowoc County Human Services Department has not asked Lotus to provide additional housing for Drug Court participants or any other Human Services program - either at Park Street or Lake Street.

To the best we can determine, and as confirmed yesterday by Ms. Fure, there is no public record of who occupied the Lake Street facility while Lotus illegally operated it. Nor has there been any information, much less commitment, requested of Lotus as to the legal status of which 12 men will occupy Park Street or which 15 women will occupy Lake Street. We do know, just by the numbers, and Ms. Fure's confirmation yesterday, that few occupants will come from Manitowoc County's Drug Court.

We have no knowledge of where else Lotus will receive its money from for putting heads on pillows in its facilities. For Lake Street, it wishes to place two adults per bedroom. There appears to be no record of whether the City of Manitowoc or Manitowoc County know who will occupy. In its applications, Lotus says only that it "works with Manitowoc County Drug Court and Human Services . . .". Lotus mentions no other source of occupants of its facilities. To us, it seems possible that the occupants could come from Drug Courts in other counties or that men could be placed by the Wisconsin Department of Corrections to serve a portion of their incarceration in one of these locations.

If the pending Marshall Street and Lake Street applications are approved, Lotus will be operating 3 facilities with a total of 39 beds and, with the exception of a few Drug Court participants, no one has an idea of where they will come from. While Lotus's housing could be located anywhere within Manitowoc County, 27 of these beds will be within 3 blocks of Madison school if the pending Lake Street application is approved by the Common Council at its meeting at 6:30 PM on Monday, November 20th.

Jeffrey P. Patterson
414 Chicago Street,
Manitowoc, WI 54220

NOVEMBER 3, 2023

Dear Common Council Members:

With respect to a traditional CUP concern – Parking – Lotus's 15-person Lake Street application is being treated differently than other CUPs with fewer authorized residents. There has been no explanation of this.

In The Crossing's 2015 Conditional Use Permit for 419 Park Street, which authorized just 12 residents, the following off-street parking requirements were imposed:

All over-night vehicles shall be parked off-street on hard surfaced areas on the 419 Park Street property.

In Lotus's 2023 approved CUP for 419 Park, which authorizes up to 12 residents, the following off-street parking requirements were imposed:

All over-night vehicles shall be parked off-street on hard surfaced areas on the 419 Park Street property.

In Lotus's pending CUP application for Marshall Street, which would authorize up to 12 residents if approved in its current format, the CUP would require:

All over-night vehicles shall be parked off-street on hard surfaced areas on the 1111 Marshall Street property.

In Lotus's pending CUP application for Lake Street, there is NO provision for off-street parking.

This glaring absence has been unquestioned and unexplained. What's going on is that Lotus cannot meet any off-street parking requirement for 404-408 Lake Street, so such requirement magically vanished from the proposed CUP.

The Lake Street property has 3 single-car garages and, abutting them, a small concrete area that has been used for parking. The former "market-rate" occupant of 408 Lake Street used the eastern-most garage to park her vehicle inside. The other two garages have not been used to park vehicles that are in regular use by occupants. It is unclear what these 2 garages are used for. The overhead doors are virtually never opened. Instead, the Lotus occupants park 1) in front of those garages, 2) on Lake Street in front of 404-408, and 3) on Chicago Street. Here's why:

404-408 Lake Street has an unusually difficult parking situation. Lake Street is of substandard width. For 404-408, this is exacerbated by being on a curve on a hill. Parking is not permitted anywhere on the east side of Lake Street. When vehicles are parked in front

of 404-408, cars traveling on Lake must often stop to allow an oncoming vehicle to pass. I have twice witnessed near misses where a vehicle traveling southbound on Lake Street almost hit a child on a bicycle. Many more times, vehicles have had to slam on their brakes to avoid an oncoming car. In snow, southbound cars regularly miss the curve or swerve while attempting to regain control.

If the proposed use of 404-408 Lake Street is considered a "Group Home or Shelter Facility" under City of Manitowoc Zoning Code Section 15.430, which seems to be the interpretation most favorable to Lotus, the following parking would be required:

12. Group Homes and Shelter Facilities. A minimum of one parking space for each two adult occupants authorized, plus one parking space for each staff member working the same hours.

For a facility like the one proposed by Lotus – 15 beds, one being occupied by a "staff member," this would require 8 off-street parking spaces: 7 for 14 residents and 1 for the staff member.

Lotus is unable to supply 8 parking spaces at 404-408 Lake Street. Under the Zoning Code, Section 15.430, a parking space is defined this way:

15.430(1) Definition of Parking Space. For the purpose of this section, each required standard off-street parking space shall be **a minimum of nine feet in width** and 18 feet in length, exclusive of access drives or aisles, ramps or internal moving lanes, except that compact parking stalls shall be marked and reserved as such, and shall be a minimum of eight feet in width and 15 feet in length. **Not more than 25 percent of the total parking requirement for a particular use may be designated for compact parking.**

The parking area in front of the 3 garages at 404-408 Lake Street is less than 25 feet wide. Because there are 3 spaces, this location is not eligible for a compact parking stall, because a third stall would exceed 25 percent of the parking area. So, the minimum required width for 3 spaces would be 27 feet. The subject area is not nearly that wide. Even if it was, there would be a total of 6 legal spaces, in a tandem arrangement. A tandem arrangement encourages parking on the street rather than shuffling cars.

It is possible that the Plan Commission could, under special circumstances, and with proof from the applicant, reduce the number of required parking spaces, under the following procedure:

(5) Reduction of Parking Space.

(a) Notwithstanding the amount of off-street parking required under this section and in response to increased flexibility with minimum parking requirements to reflect typical daily demand and allow innovative parking provisions, the City Plan Commission may approve less off-street parking than required under this section when:

1.
 1. The proponent of a use demonstrates that, because of special circumstances including bicycle and motorcycle parking arrangements under subsections (14) and (15) of this section involved with a particular use, it is evident that the off-street parking required by this section exceeds any reasonable likely need; or
 2. The use of a building is changed in such a manner that the new use would require fewer spaces.

(b) The applicant shall bear the burden of proof to demonstrate to the City Plan Commission that each of the following conditions are satisfied:

1.
 1. The applicant shall demonstrate, using existing and projected (five years) employment, customer, or other relevant data, that the reduction in off-street parking spaces to be initially developed as required by this section is warranted.

2. The applicant shall submit plans of the parking lot which designate a layout for the total number of parking spaces needed to comply with the parking requirements contained herein;
3. The plans shall clearly designate which of these parking spaces are proposed to be conditionally reserved for potential future use;
4. The portion of the required parking spaces conditionally reserved for future use shall not be within areas for required buffer yards, setbacks, or areas which would otherwise be unsuitable for parking due to the physical characteristics of the land or other requirements of this chapter; and
5. Areas conditionally reserved for potential future use shall be attractively landscaped, remain in open space, and shall not be used for any structure or building, or for material storage.

However, there is no evidence that Lotus has commenced any such procedure, much less submitted the required proofs. Magically, the proposed CUP mentions nothing about parking for Lake Street, even though off-street parking is a prominent requirement for the Marshall Street and Park Street facilities. When would the Common Council simply eliminate a requirement of the City's Zoning Code because an applicant has no way of meeting it?

Jeffrey P. Patterson
414 Chicago Street,

Manitowoc, WI 54220

NOVEMBER 6, 2023

Dear Alderpersons:

Madison Elementary School PTO has, subject to their approval of content, agreed to distribute a flyer at this week's Book Fair regarding Lotus's

proposed Conditional Use Permit for 404-408 N. Lake Street. The attached flyer has been submitted for PTO's approval. If, after your review, any of you feel that any fact has been misstated in the flyer, please respond and I will consider your input.

Jeffrey P. Patterson

414 Chicago Street,

Manitowoc, WI 54220

The Attached Flyer Stated:

Stop the 15-Bed Correctional Facility 3 Blocks from Madison Elementary

Manitowoc's Common Council will decide on November 20th at 6:30 PM, Council Chambers, City Hall

Proposed Location: 404-406-408 N. Lake Street. At the lakefront, across Maritime from YMCA, 3 blocks from Madison Elementary School, two blocks from a just-approved group home for 12 men at 5th and Park St.

Applicant: Lotus Recovery Homes. Lotus has operated illegally at Lake Street and at 1111 Marshall Street for over two years. So, there are no County records of how Lotus supervised the residents, whether persons charged with drug dealing lived there, what the drug testing results were, or whether Lotus conducted background checks on its employees. But we do have information about the actual results of Lotus's work:

- 1) From our living room next door to Lake Street, we saw a well cared for neighborhood become a magnet and corridor for the illegal drug trade -- day and night.
- 2) At Marshall Street, Lotus's supervision was so poor that, on Sunday, October 29th, a visitor provided lethal drugs in a room there to a resident who was participating in the County's Drug Court. He overdosed and required 3 shots of Narcan and 5 minutes of CPR to bring him back to life. Then he was taken to jail.

The director of Manitowoc County Human Services, which oversees Drug Court, says it does not need more Drug Court housing and that it has other operators it could turn to. Human Services has NOT requested the Lake Street facility. Lotus has not said where the other residents would come from or under what program they would have been admitted. The proposed permit would not require an answer until December of 2024.

Drug Court and substance abuse recovery houses can benefit a community – if operated and located correctly.

But we must ask:

- Is Lake Street the best possible location in Manitowoc County? Drug Court participants don't necessarily need to be housed in the City of Manitowoc, much less where visitors and families access our lakefront -- across from the YMCA, close to Madison Elementary School and close to a 12-man facility at 5th and Park.
- Has Lotus proven itself to be the the best operator the City can find to house people seeking recovery?
- Is it critical to add 15-beds now or does Lotus just want to get paid to put heads on pillows? Since the beds are not needed for Drug Court, will the other occupants be on early release from prison, on probation, or from Drug Courts in other counties? Will they truly have a background in the City of Manitowoc?

If you don't think there's any way your Common Council could approve this, think again:

1) In October, the Common Council gave permission to convert a home operated for women and children by The Crossing to a group home for 12 men. This facility is 2 blocks from Madison Elementary, at the SE corner of 5th and Park. Where the 12 men would come from is unstated in the Conditional Use Permit.

2) This is the number of "Recovery Houses" registered with the State in these cities as of October 11, 2023:

Sheboygan – 1 Fond du Lac – 1 Appleton – 0 DePere – 0 Wausau – 1 Oshkosh – 1

Manitowoc – 10, not including Lake Street

3rd District Alderperson Michael Cummings has committed to voting No. No other alderperson has made a public commitment. At the Plan Commission, Mayor Nickels and Alderperson Jim Brey voted Yes. If the citizens of the City of Manitowoc need another recovery house, it could be 1) run by a different operator, 2) away from the lakefront and schools, and 3) in smaller facilities, which will lead to less neighborhood disruption and better results for residents. Contact your alderperson to make sure he or she votes NO on Lake Street.

Jeff and Karen Patterson * 414 Chicago Street * pattersonlegal@comcast.net

NOVEMBER 7, 2023

Dear Alderpersons and Mayor Nickels:

Attached is a press release that we will distribute tomorrow to media in Northeastern Wisconsin. As with the flyer I recently sent you, I wish to be accurate in my statements. If, after your review of the attached draft, you feel that any statements are factually inaccurate, please advise me and I will consider your input.

If any of you wish to express a commitment to how you will vote on the CUP, I will include that information in the press release.

Jeffrey P. Patterson

414 Chicago Street,

Manitowoc, WI 54220

The Press Release Stated:

Jeffrey P. Patterson

414 Chicago Street

Manitowoc, WI 54220

pattersonlegal@comcast.net

(262) 240-0915

Release Date: November 8, 2023

For Immediate Release:

**After the Overdose of a Young Man in its “Care,”
a Recovery Residence Operating Illegally in Manitowoc
Wants to Make Its Operations Legal and Larger**

[Manitowoc, WI November 8, 2023]

A controversial industry is flourishing in Northeastern Wisconsin: Recovery Residences, sometimes called Sober Houses. One city in particular – Manitowoc – has 15 Recovery Residences registered with the State of Wisconsin Department of Health Services as of October 11, 2023. Other county seats near Manitowoc -- Sheboygan, Fond du Lac, Oshkosh, Appleton, Chilton and Kewaunee – have either no registered Recovery Residences or only one. The exception is the City of Green Bay, which has eight. According to U.S. Census Bureau 2020 statistics, the City of Green Bay is three times as big as Manitowoc.

Manitowoc's number of registered Recovery Residences is, per capita, more than five times the number of registered Recovery Residences in the City of Milwaukee, where some operations have names like Project Heat and Recovery R Us.

Whether called a Recovery Residence or Sober House, there is virtually no regulation in Wisconsin governing what goes on there. Recovery Residences are not Community-Based Residential Facilities, which are heavily regulated in Wisconsin. (Wisconsin Admin. Code Chapter DHS 83.) There's actually no requirement to even register a Recovery Residence with the State of Wisconsin; registration is required only when the operator wants to receive referrals from Wisconsin's Department of Health Services -- and money from the state treasury. (Wisconsin Statutes §46.234.)

Any adult can become a Recovery Residence operator. Fill out a one-page application asking for name, address and location, whether you've been certified by any organization (which is not required), and promise to apply a few simple rules. (Wisconsin Department of Health Services Form F-02706.) After that, you'll start receiving referrals and there is no statute or state regulation providing that your promises will ever be subject to inspections or enforcement, either by the state, the county or the municipality. There is no requirement that your residents come from your county.

Illegal Operations: In Manitowoc, three of the registered Recovery Residences are currently operating illegally – they've never obtained permission from the City of Manitowoc. The operator made sure to register all locations with the State to be eligible to receive state money, but never made the effort to seek approval from the City of Manitowoc to operate in residential neighborhoods.

The operator of these illegal residences -- Lotus Recovery Homes Inc. -- has now requested the city to legalize and allow Lotus to expand operations at three of Lotus's Manitowoc facilities and expand to another residence. Lotus blames the illegal operations on its landlords, who are absentee owners based in Illinois.

Manitowoc's Surprising Response On October 25th, Manitowoc's Plan Commission, chaired by Manitowoc Mayor Justin Nickels, voted unanimously to recommend that the Common Council approve Lotus's request for a Conditional Use Permit to legalize and expand its operations. **Lotus's application will be posed to the Common Council at its meeting on November 20th at 6:30 PM at Manitowoc's City Hall.**

The Overdose: Four days after the Plan Commission's unanimous recommendation, there was an overdose on Lotus's watch at its illegal facility on Marshall Street, next to Manitowoc's Washington Park. According to the overdose victim's father, who spoke inside the Manitowoc County Courthouse: On Sunday, October 29th, a visitor carrying illegal drugs entered the unsupervised Lotus residence. The young man, who resided there as part of Manitowoc County's Drug Treatment Court, overdosed on

those drugs. He required three shots of Narcan and five minutes of CPR to bring him back to life. He was then placed in the Manitowoc County Jail. A few days earlier, the father had become aware that his son was at a point where he was at high risk of using again. But no one from Lotus helped him through, perhaps because, as Lotus has admitted to the City of Manitowoc, Lotus does not offer drug abuse counseling at its facilities.

Bringing the High Risk of Drug Abuse, Manufacture and Dealing to Neighborhoods: The locations in Manitowoc that Lotus is seeking to legalize and expand are

- 1) (404-406-408 N. Lake Street.) Fifteen beds for women in a neighborhood of mostly single-family homes, across the street from Manitowoc's lakefront and YMCA, at a pedestrian entrance used by visitors and families to access Manitowoc's harbor, lighthouse and Mariner's Trail. It is three blocks from Madison Elementary School. For many decades, the building was home to the families of Coast Guardsmen who operated Manitowoc's lighthouse at the entrance to its harbor.
- 2) (1111 Marshall Street.) Twelve beds for men across the street from the City of Manitowoc's Washington Park, which has a large playground. But Washington Park has also been known for many years by residents of Manitowoc as a hub for illicit drug dealing, regardless of persistent efforts to change this. That seems to make a facility across the street a dangerous place to house people struggling with substance abuse disorders.

Manitowoc's Legal Jeopardy: Manitowoc's neighborhoods may have some protection against the views of its current Alderpersons, only one of whom has stepped forward to say he will vote No to Lotus's request. Whether the Common Council, under its current Code of Ordinances, even has the right to give Lotus a Conditional Use Permit is uncertain. Doing so will likely result in litigation.

In the particular zoning category for Lotus's Lake Street operation, a Conditional Use Permit may only be issued for "Transitional Housing." The municipal code defines this as "housing intended to provide the support needed for temporary occupants who lack a fixed, regular and adequate nighttime residence to move into long-term housing . . .". The City attorney has not rendered an opinion to the Common Council as to whether Lotus's operations fit this definition or whether an amendment to the Code of Ordinances would be required before the City can issue a Conditional Use Permit to Lotus. Lotus has no requirement that a resident "lack a fixed, regular and adequate nighttime residence."

The current occupants of the alderperson chairs may not have the right to meet Lotus's request. Even if they want to, they may first have to amend the Code of Ordinances. Such amendment would likely need to include several of the overriding purposes of the City's Zoning Code which have guided zoning decisions for decades:

- To zone all properties with a view to conserving the value of buildings . . .
- To . . . isolate or control the location of unavoidable nuisance producing uses;
- To protect existing uses from harmful encroachment by incompatible uses;
- To provide for preservation and restoration of historically significant buildings

The Alderpersons Don't Have to Worry for Their Families: According to the City of Manitowoc's official map of its aldermanic districts, no Manitowoc Alderperson lives near a registered Recovery Residence. The 4th aldermanic district, which includes most of Manitowoc's registered recovery residences, is represented by Jim Brey. On October 25th, as a member of Manitowoc's Plan Commission, Mr. Brey voted to recommend approval of Lotus's requests for its Lake Street and Marshall Street locations. Mr. Brey resides more than a mile from both facilities.

Saturation of Neighborhoods: Lotus is saturating the Manitowoc lakefront area that is comprised of older homes, several of them historic. The proposed location for fifteen females is two blocks from a just-approved Lotus facility which had been used by The Crossing of Manitowoc County to house women and children. (419 Park Street.) But Lotus's application for this location stated that, if the need for housing women and children decreases, Lotus would convert the use to a home for 12 men. The Conditional Use Permit granted to Lotus in October states only that it may be occupied by up to 12 persons at a time. It does not indicate how such persons will be vetted, what government program they will be admitted under, where they will come from, or what house rules will be in place that can be verified by the city.

No Substance Abuse Treatment offered at Lotus Facilities: The State of Wisconsin Department of Health Services defines a Recovery Residence as "a home-like, residential environment that promotes healthy recovery from a substance use disorder through the use of peer recovery support." But Lotus has informed the City of Manitowoc that, in the "Recovery Residences" Lotus wishes to operate, it will not offer substance abuse treatment. In his report to the Manitowoc County Human Services Department Board of Directors in October of 2022, the former coordinator for Drug Court indicated that Lotus was one of the operators that **"provide training on cooking, what it takes to live in an apartment, etc."**

A Few Drug Court Residents: In Manitowoc County, Drug Court is a deferred prosecution program that accepts applicants charged with a felony or habitual misdemeanor drug offense(s). At any one time, Manitowoc's Drug Court has about **twenty** participants, and only some are housed as part of the program. With Lotus's October approval and its pending application, it seeks approval to house **thirty-nine** people. So, only a small portion would come from Drug Court.

In the report noted above, the Drug Court coordinator stated that **"the primary offenses of people involved in drug court are Drug Manufacture/Delivery or Drug Possession.** The coordinator indicated that 20% of Drug Court participants were re-offending. But Drug Court participants are vetted and highly incentivized to avoid prosecution for drug crimes. Who these vetted and motivated people would live with has not been defined by Lotus.

Points of Contact: The list of official email addresses, published by the City of Manitowoc, for current alderpersons, and for Mayor Justin Nickels, is:

bvanderkin@manitowoc.org, cbeeman@manitowoc.org, jbrey@manitowoc.org,
dkaderabek@manitowoc.org, esitkiewitz@manitowoc.org, tboldt@manitowoc.org,
bschlei@manitowoc.org, sczekala@manitowoc.org, treckelberg@manitowoc.org,
mcummings@manitowoc.org, jnickels@manitowoc.org

NOVEMBER 13, 2023

To Mayor Nickels, City Attorney Nycz and City Clerk Mackenzie Reed:

Our preliminary Notice of Claim regarding the proposed Conditional Use for 404-408 N. Lake Street is attached.

Jeffrey P. Patterson

Karen M. Patterson

414 Chicago Street,

Manitowoc, WI 54220

The Notice of Claim Stated:

Jeffrey P. Patterson
Karen M. Patterson
414 Chicago Street
Manitowoc, WI 54220

Monday, November 13, 2023

VIA EMAIL:

Mr. Justin Nickels, Mayor (jnickels@manitowoc.org)

Mr. Eric Nycz, City Attorney (enycz@manitowoc.org)

Ms. Mackenzie Reed, City Clerk (mreed@manitowoc.org)

Re:

Notice of Claim regarding Conditional Use Permit ("CUP")
to Lotus Recovery Homes Inc. ("Lotus")
for 404-406-408 N. Lake Street ("the Lake Street Parcel")

Gentlemen and Ms. Reed:

We own and occupy the home at 414 Chicago Street. The eastern boundary of our parcel is approximately twelve feet from the Lake Street Parcel.

At its meeting on October 25th, the Plan Commission recommended the Common Council's approval of Lotus' application for a Conditional Use of the Lake Street Parcel. The Common Council has not approved such CUP, and could

- a) reject it,
- b) limit it,
- c) revise it,
- d) add conditions to it, or
- e) make the pending conditions more specific.

This is a courtesy notice, preliminary to a formal notice that will be issued under Wisconsin Statutes §893.80 if the Common Council approves the CUP as written.

There are currently three bases for our claim, all related to the fact that the Common Council has no legal authority to grant a CUP that violates the Code of Ordinances. The current

members of the Common Council have no legal authority to disregard the Manitowoc citizens' Code of Ordinances.

Opinion of City Attorney: We request that Mr. Nycz be tasked with providing an opinion to the Common Council as to the merit of our claim before the CUP is decided upon by the Common Council. Since

- 1) the Common Council, not Mayor Nickels, appointed Mr. Nycz, and
- 2) the Common Council has not taken a position on Lotus' CUP,

we expect that Mr. Nycz's opinion would be objective and not a work of advocacy for a position that may be favored by Mr. Nickels but upon which he might never have to take a binding vote and answer to his constituents.

There are three bases for our claim:

I. Lotus' Use will not be for Transitional Housing as defined under the Code of Ordinances

Under the Code of Ordinances, §15.01, "Transitional Housing" is defined as:

. . . housing intended to provide the support needed for temporary occupants who lack a fixed, regular and adequate nighttime residence to move into long-term housing, and which is usually offered as part of a transitional program that helps homeless individuals and families become independent through counseling, job training, child care, skills training, and health care assistance.

The above actually describes the use proposed by The Haven for its 19th Street CUP, which is being considered contemporaneously with Lotus' CUP. **The Haven's proposed use fits squarely within the City's definition of Transitional Housing.** Lotus' proposed use does not, but the Plan Commission staff elected to define Lotus' use as Transitional Housing in order to ease the CUP's approval.

The Haven's application describes the first purpose of its 19th Street location this way:

The purpose of the shared housing program is to:

- ***Provide Affordable Housing:*** *The program aims to offer affordable housing options to individuals or families who may face housing insecurity or financial challenges.*

The Haven's application states:

*"Contrary to prevailing stigma and stereotypes, most of the men at The Haven are **not grappling with addiction** . . .".*

In contrast, Lotus describes its proposed use in these ways:

- Occupancy will be **"for individuals in drug and/or alcohol recovery programs."** This is the principal purpose for Lotus' operation. This is an honorable aspiration, but not a purpose that meets the definition of Transitional Housing under the Code of Ordinances.
- Lotus residents will have gone through "extensive addiction treatment before coming to" Lotus. However, residents will not have successfully completed **such addiction treatment program**; Lotus says its residents will "continue their recovery services" while occupying Lake Street.
- Residents will be **"monitored through regular and random UA's (Urine Analysis) and camera monitoring . . ."**
- The use or possession of drugs or alcohol on the property will result in "an automatic expulsion . . . and reporting of the incidents to the appropriate legal authorities."

As judged by Lotus' own submission, its principal purpose is to house persons with substance abuse disorders. Some of Lotus' occupants have been charged with drug crimes, including the manufacturing and/or delivery of drugs, and all present a high risk of recidivism. (See minutes of Manitowoc County Human Services Board of Directors meeting, October, 2022.) This explains the requirement for random drug tests and camera monitoring. Residents of The Haven's 19th Street location - a total of three - will last have resided at The Haven's homeless shelter. But there is **no** prerequisite that an applicant for Lotus' Lake Street facility, **"lack a fixed, regular and adequate nighttime residence."**

Although Plan Commission staff has described Lotus' proposed use as "Transitional Housing," the truth of such use is admitted in the Plan Commission's own treatment of Lotus' request: **the**

proposed CUP imposes several public safety requirements that are highly unusual as an aspect of zoning regulation. (As an aside, we urge the Common Council to regulate operations like those of Lotus, where a near-fatal overdose took place two weeks ago, as an aspect of public safety regulations, not as a zoning issue under the Plan Commission and the Community Development Authority, whose statutorily-defined purpose is “carrying out blight elimination, slum clearance, urban renewal programs and projects and housing projects.”)

The Plan Commission’s treatment of Lotus’ application is completely different in critical ways than the CUP for The Haven: **the Haven’s CUP does not contain any public safety conditions.** In contrast, the Lotus CUP has several such conditions. These conditions show that any reasonable person, such as those on the Plan Commission and its staff, will conclude that the Lotus facility presents a risk to public safety:

- “A resident advocate **shall be present in the residence at all times** when residents are present.”
- Lotus shall expressly prohibit the use, consumption or possession of alcohol and illegal drugs in the residence anywhere on the Lake St. property by the residents.
- Lotus shall, at the written request of the Manitowoc Police Chief, **install any required security enhancements** into the Residence . . .”.

These are on top of Lotus’ written assurance to the Plan Commission that its residents are subject to random drug tests and camera monitoring within their residence.

Conclusion: In Lake Street’s residential R-7 zoning district, “Transitional Housing,” as defined under the Code of Ordinances §15.01, is a Conditional Use. However, Lotus has not in fact proposed a Transitional Housing use and has not even described its use that way when free to do so; only Plan Commission staff has done so. The Common Council has no legal authority, under the Code of Ordinances, to grant a Conditional Use Permit for the type of use proposed by Lotus.

II. Lotus’ Change of Use Requires Compliance with Off-Street Parking Requirements

The prior legal use of the Lake Street Parcel was as a three-family residence. Under the Code of Ordinances, §15.030(1):

Residential dwelling means any building, structure, or part of the building or structure that is used or intended to be used as a home, residence, or sleeping place **by one person or by two or more persons maintaining a common household, to the exclusion of others**, as defined in Wis. Stat. § [66.0615](#)(1)(di).

Dwelling, multiple means a building, or portion thereof, used or designed as a residence for **three or more families living independently of each other** and having their own cooking and bathroom facilities.

Under §15.430 of the Code of Ordinances, **the proposed change of use of the Lake Street parcel, which will result in occupancy by 15 adults rather than the 3-6 previously permitted, requires compliance with the City's off-street parking requirements.**

Concurrently with Lotus' Lake Street CUP application, Lotus has an application pending for the same use, for 12 persons, at 1111 Marshall Street. The Marshall Street application was also unanimously approved by the Plan Commission at its October 25th meeting.

Marshall Street is in zoning district B-1 and had been used as an office building. So, it has a parking lot to the rear of the building. The Marshall Street CUP requires that:

All over-night vehicles shall be parked off-street on hard surfaced areas on the 1111 Marshall Street property.

While imprecise, the Marshall Street CUP acknowledges the requirement under the Code of Ordinances to provide for adequate off-street parking when the use of a site changes.

The Lake Street Parcel has three single-car garages and no parking spaces as defined under Code of Ordinances 15.430(1).

Lake Street is a substandard width. For this reason, no parking is permitted on its east side. In front of 404-408 Lake Street, the street is on a hill. Where Lake Street and Chicago Street meet,

they form an acute angle – sharper than 90 degrees. Until they are close to each other, drivers southbound on Lake Street cannot see drivers eastbound on Chicago Street, and vice versa. Vehicles must -- often suddenly -- slow or stop to allow an oncoming vehicle to pass. Lake Street is potentially the worst location within the City of Manitowoc to force more vehicles into on-street parking. Nonetheless, the proposed CUP makes no provision for off-street parking, even though the full-time resident count will increase by nine to twelve.

With the change of use to 15 unrelated residents, the Lake Street Parcel cannot meet off-street parking regulations under any interpretation of the Code of Ordinances. Apparently owing to such inability, and again wishing to ease the CUP's approval, the Plan Commission staff made no requirement for off-street parking in Lotus' proposed CUP. This is a glaring difference from

1) the Marshall Street CUP and

2) the CUP just granted for Lotus' facility at 419 Park Street,

both of which have large parking areas, and are located on wide streets with much available parking nearby. Lotus also proposes to "maintain a meeting area/occasional office in the facilities, which would bring even more vehicles to the Lake Street area.

Conclusion: The proposed CUP is inherently defective in its failure to comply with the Code of Ordinances' off-street parking requirement where the zoning use of a property changes.

III. Lotus has not Met a Critical Prerequisite to a CUP: Substantial Evidence it can Fulfill the CUP Requirements

Lotus has not, as required under City of Manitowoc Code of Ordinances 15.370 (27)(c), met the following **prerequisite** to a CUP:

"The applicant must demonstrate by substantial evidence that the application and all requirements and conditions established by the city are or shall be satisfied."

Under the applicable Wisconsin Statute, § 62.23(7)(de):

"Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an

applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

Lotus has submitted only a half-page narrative with its application and has not demonstrated by substantial evidence that the following “conditions that would be established by the city in the proposed CUP are or **shall be satisfied**”:

- 1) “A resident advocate **shall be present in the residence at all times** when residents are present.”

With 14 adults under treatment residing at the Lake Street Parcel, who are highly unlikely to all be predictably absent from the residence at the same time, staffing such resident advocate position would require more than one full-time employee. 24/7/365; time off; vacations; holidays; weekends; 3 8-hour shifts. Lotus has not provided the City with any information as to how, in fact, it will meet such staffing requirement. Are such persons currently on staff or must they be hired? If they must be hired, what manner of compensation will Lotus offer that, in the current jobs environment in Manitowoc, will immediately result in hiring more than one capable person willing to take up residence in such a facility? If such persons are currently on Lotus’ staff, have they committed to fulfill their employee obligations while residing at the Lake Street building? What is Lotus’ plan if such a person is terminated or quits?

- 2) *Beginning in 2024, Lotus shall file a report with the Community Development Department on or before December 31st of each calendar year detailing the status of the Residence. This report shall be filed by December 31st in each subsequent year the CUP is effective, and each report shall detail the activities at the Residence from the prior calendar year. This report shall include, but not be limited to: (i) a summary of the financing in place to operate the Residence including a summary of foundation grants, donations, lender financing and State and/or Federal grants in hand, and volunteer hours worked ; (ii) residence summary identifying the number of residents in the Residence; (iii) a description of the services being provided at the Residence and the number of residents accessing various services; (iv) the number of residents that were at the Residence, but left without notice; (v) a summary of agreements with third party*

providers for support services for residents at the Residence; and (vi) any other information that may be requested by the Community Development Department to address identification of common characteristics or experiences of residents at the Residence.

Although the deadline to meet such requirements is December 31, 2024, Lotus has not provided substantial evidence to the Common Council that it can satisfy such requirements. Lotus has illegally operated the Lake Street building for over two years. Lotus has stated, in its application, that the proposed conditional use will simply be a continuation of the use it has made since 2021 and that “This application is to correct the error for 404/406 Lake Street . . .”. Since the proposed CUP is a request to continue the same use, Lotus should be in a position to provide **from its own existing records** “substantial evidence” that the 2024 requirements “shall be satisfied.” But Lotus has failed to meet such prerequisite. As an aside: with the Plan Commission knowing of Lotus’ illegal two-year occupancy, one must wonder why such records have not been requested. These would be the most “substantial evidence” of whether Lotus can and will meet the CUP requirements. Presumably, the records exist.

Conclusion: Lotus has not provided the statutorily-required “substantial evidence that it will satisfy the conditions of the proposed CUP. Lacking such evidence, Lotus’ proposal is legally defective.

Sincerely,

/s/ Jeffrey P. Patterson

Jeffrey P. Patterson

/s/ Karen M. Patterson

Karen M. Patterson

Cc: Common Council

bvanderkin@manitowoc.org, cbeeman@manitowoc.org, jbrey@manitowoc.org,
dkaderabek@manitowoc.org, esitkiewitz@manitowoc.org, tboldt@manitowoc.org,
bschlei@manitowoc.org, szczekala@manitowoc.org, treckelberg@manitowoc.org,
mcummings@manitowoc.org,

jim@seehafernews.com

htrnews@htrnews.com

NOVEMBER 15, 2023

We are working our way through the police reports for 404 and 406 N. Lake Street since the time Lotus began its illegal operations there. We received about 40 pages yesterday afternoon.

The police reports reveal a little information about:

- Who was staying at Lake Street
- Why they were placed there,
- What their criminal backgrounds are,
- A few of the incidents that took place at Lake Street, and
- Who Lotus used to oversee the occupants.

First, as to the overseer:

We expect to be providing information about the male whom Lotus employed, off-site, to supervise the women residing at Lake Street. We have yet to confirm, but it appears he has a lengthy and recent history of felony offenses involving drugs and violence.

Alderpersons and Ryan Brahm of Seehafer News -- you could assist our investigation: simply ask Terry Bosch whether Lotus ever used Jonathan Neeb to supervise the Lake Street facility. We know that, in 2023, Mr. Neeb made at least two calls to the police regarding

problems at Lake Street. So, he was either in the building as a visitor, or he came there as Lotus' overseer.

Next, as to the occupants:

In its applications for the CUP, Lotus sought to leave the impression, with you, that the occupants of Lake Street would be Drug Court participants or individuals who came to them from the County Human Services Department who were "in drug and/or alcohol recovery programs."

Lotus failed to mention the Department of Corrections. Nor does Lotus mention that any occupants have been convicted of serious felonies -- of various types, not merely drug offenses. One recent resident, for example, was convicted of Felony Chronic Neglect of a Child Causing Great Bodily Harm. Another recent resident has a lengthy history of Felony Forgery convictions. (See below.)

A police report from January 16, 2023 -- which indicates that the location of concern was 406 N. Lake Street -- indicates the caller was convicted, in June of 2022, of several felony drug counts and sentenced to the Wisconsin State Prison System for 10 years. This sentence was stayed and the defendant was placed on probation for 4 years, commencing with 9 months in Manitowoc County Jail. After this person was released from jail, she began her occupancy at 406 N. Lake Street -- or was present at Lake Street when she called the police about a credit card fraud.

The following is the list of charges, and convictions, against such person in a single case in Manitowoc County Circuit Court Case No. 2021CF000729:

Count no.	Statute	Description	Severity	Disposition
1	961.41(1)(e)1	Manuf/Deliver Amphetamine(<=3g)	Felony F	Guilty Due to No Contest Plea
2	961.41(1)(a)	Manuf/Deliver Schedule I, II Narcotics	Felony E	Charge Dismissed

Count no.	Statute	Description	Severit y	Dispositio n
				but Read In
Modifier :	961.48(1)(b)	Second and Subsequent Offense		
3	961.41(1)(e)1	Manuf/Deliver Amphetamine(<=3g)	Felony F	Charge Dismissed but Read In
Modifier :	961.48(1)(a)	Second or Subsequent Offense		
4	961.41(1)(a)	Manuf/Deliver Schedule I, II Narcotics	Felony E	Charge Dismissed but Read In
Modifier :	961.48(1)(b)	Second and Subsequent Offense		
5	948.21(2)	Neglecting a Child (Specified Harm Did Not Occur)	Misd. A	Guilty Due to No Contest Plea

Count no.	Statute	Description	Severit y	Dispositio n
6	961.41(1)(cm)1 r	Manufacture/Deliver Cocaine (>1-5g)	Felony F	Guilty Due to No Contest Plea
7	961.41(3g)(e)	Possession of THC (2nd+ Offense)	Felony I	Charge Dismissed but Read In
8	961.573(1)	Possess Drug Paraphernalia	Misd. U	Charge Dismissed but Read In
Modifier :	939.62(1)(a)	Repeater		
9	961.41(1m)(a)	Possess w/ Intent/Deliver Narcotics	Felony E	Charge Dismissed but Read In
Modifier :	961.48(1)(b)	Second and Subsequent Offense		

Count no.	Statute	Description	Severity	Disposition
10	961.41(3g)(d)	Possess Amphetamine/LSD/Psilocin	Misd. U	Charge Dismissed but Read In
Modifier :	961.48(1)(b)	Second and Subsequent Offense		
11	961.41(1m)(d)1	Possess w/Intent-Heroin (<=3g)	Felony F	Charge Dismissed but Read In
Modifier :	961.48(1)(b)	Second and Subsequent Offense		
12	961.41(1m)(e)3	Possess w/ Intent-Amphetamine(>10-50g)	Felony D	Guilty Due to No Contest Plea
13	961.42(1)	Maintain Drug Trafficking Place	Felony I	Charge Dismissed but Read In

Count no.	Statute	Description	Severit y	Dispositio n
Modifier :	961.48(1)(b)	Second and Subsequent Offense		
14	948.21(2)	Neglecting a Child (Specified Harm Did Not Occur)	Misd. A	Charge Dismissed but Read In

The forgery felon occupant, in one 2018 case:

1	943.38(1)	Forgery as repeater	Felony H	Guilty Due to No Contest Plea
Modifier:	939.62(1)(b)	Repeater		
2	943.38(1)	Forgery as repeater	Felony H	Guilty Due to No Contest Plea
Modifier:	939.62(1)(b)	Repeater		
3	943.38(1)	Forgery as repeater	Felony H	Guilty Due to No Contest Plea
Modifier:	939.62(1)(b)	Repeater		

4	943.38(1)	Forgery as repeater	Felony H	Guilty Due to No Contest Plea
Modifier:	939.62(1)(b)	Repeater		
5	943.38(1)	Forgery as repeater	Felony H	Charge Dismissed but Read In
Modifier:	939.62(1)(b)	Repeater		
6	943.38(1)	Forgery as repeater	Felony H	Charge Dismissed but Read In
Modifier:	939.62(1)(b)	Repeater		
7	943.38(1)	Forgery as repeater	Felony H	Charge Dismissed but Read In
Modifier:	939.62(1)(b)	Repeater		
8	943.38(1)	Forgery as repeater	Felony H	Charge Dismissed but Read In
Modifier:	939.62(1)(b)	Repeater		
9	943.38(2)	PTC Forgery-Uttering as repeater	Felony H	Charge Dismissed but Read In
Modifier:	939.62(1)(b)	Repeater		
Modifier:	939.05	PTAC, as a Party to a Crime		

10	943.38(2)	PTC Forgery-Uttering as repeater	Felony H	Charge Dismissed but Read In
Modifier:	939.62(1)(b)	Repeater		
Modifier:	939.05	PTAC, as a Party to a Crime		
11	943.38(2)	PTC Forgery-Uttering as repeater	Felony H	Charge Dismissed but Read In
Modifier:	939.05	PTAC, as a Party to a Crime		
Modifier:	939.62(1)(b)	Repeater		
12	943.38(2)	PTC Forgery-Uttering as repeater	Felony H	Charge Dismissed but Read In
Modifier:	939.05	PTAC, as a Party to a Crime		
Modifier:	939.62(1)(b)	Repeater		
13	943.38(2)	PTC Forgery-Uttering as repeater	Felony H	Charge Dismissed but Read In
Modifier:	939.62(1)(b)	Repeater		
Modifier:	939.05	PTAC, as a Party to a Crime		

14	943.38(2)	PTC Forgery-Uttering as repeater	Felony H	Charge Dismissed but Read In
Modifier:	939.05	PTAC, as a Party to a Crime		
Modifier:	939.62(1)(b)	Repeater		
15	943.38(2)	PTC Forgery-Uttering as repeater	Felony H	Charge Dismissed but Read In
Modifier:	939.05	PTAC, as a Party to a Crime		
Modifier:	939.62(1)(b)	Repeater		
16	943.38(2)	PTC Forgery-Uttering as repeater	Felony H	Charge Dismissed but Read In
Modifier:	939.05	PTAC, as a Party to a Crime		
Modifier:	939.62(1)(b)	Repeater		
17	943.20(1)(a)	PTC Theft-Movable Property <=\$2500 as repeater	Misd. A	Charge Dismissed but Read In
Modifier:	939.05	PTAC, as a Party to a Crime		
Modifier:	939.62(1)(a)	Repeater		

NOVEMBER 16, 2023

Dear Ms. Kaderabek:

Last night you sent me an email. You acknowledged receipt of my email, as you've done before. My wife and I *sincerely* appreciate your efforts and to know that someone is looking into this. No other Alderperson has acknowledged any of my emails except Mr. Cummings, who expressed that he would vote against Lotus' CUP.

You inquired whether I believed Lotus has mixed Drug Court participants at its Lake Street facility with persons who were not Drug Court participants. I do. So, I responded this way:

Please understand: Lori Fure of the County Department of Human Services has formally told me that the County has no records pertaining to what Drug Court participants were at Lake Street or what they were charged with. I think this is a lie, but it's just one of the many stonewall jobs I've run into. I'm trying to learn more about Drug Court. The particular person whose record of charges and convictions I supplied in yesterday's email was NOT a Drug Court participant. She had been sentenced to 10 years in prison, but her sentence was "stayed" in favor of 4 years of probation. Based on that, I believe the Wisconsin Department of Corrections placed her at Lake Street. So, she was serving time. Look at her record in A SINGLE CASE: she was literally a drug kingpin. She operated a Drug Trafficking House, and had the full spectrum of illegal drugs available, many of which she "manufactured," probably meaning she was combining some with fentanyl. So, it appears that the kingpin, and others, were mixed into the same residence with Drug Court participants whom the County hoped would stay clean and graduate from Drug Court.

In my response to you, I also mentioned my belief that a women who was occupying Lake Street as a Drug Court participant then married Jonathan Neeb. I have not been able to find whether

1) Mr. Neeb was a **visitor** to Lake Street on separate occasions in the summer of 2023 when he placed calls to police about incidents at Lake Street

or whether

2) Mr. Neeb placed those calls because he was the person Lotus was using to **supervise the female residents** at Lake Street.

Regarding whether Mr. Neeb married a female who, as a Drug Court participant, resided at Lake Street:

At this time, I can only confirm, from the circuit court's online records:

- Brianne Harrison was found guilty of felony theft of a vehicle on July 2, 2021.
- Ms. Harrison entered into a Deferred Judgment Agreement involving participation in Drug Court although she has never been charged with a drug crime in Wisconsin -- according to the Circuit Court's online records.
- Ms. Harrison remains a Drug Court participant today, although does not appear to reside at Lake Street any longer.
- **While participating in Drug Court, Ms. Harrison notified the court that she had changed her last name to Neeb.**

Here is what I can find about Jonathan Neeb's background:

In the most recent Manitowoc County felony case against Jonathan Neeb, he was found guilty of the following drug crimes on April 16, 2021:

1	961.41(3g)(g)	Possession of Methamphetamine	Felony I	Guilty Due to No Contest Plea
Modifier:	939.62(1)(b)	Repeater		
2	961.573(1)	Possess Drug Paraphernalia	Misd. U	Charge Dismissed but Read In
Modifier:	939.62(1)(a)	Repeater		
3	961.41(3g)(e)	Possession of THC (2nd+ Offense)	Felony I	Guilty Due to No Contest Plea

In a Manitowoc County case from 2019, Mr. Neeb had the following drug **dealing** charges, as a **repeat offender**. But, based on a plea agreement, Mr. Neeb was convicted only of operating a vehicle while his license was revoked:

1	961.41(1m)(hm)4	Possess Ketamine w/Intent to deliver (>50g)	Felony C	Dismissed on Prosecutor's Motion
Modifier:	961.48(1)(b)	Second and Subsequent Offense		
2	343.44(1)(b)	Operating While Revoked (Rev due to alc/contr subst/refusal)	Misd. U	Guilty Due to Guilty Plea

In another 2019 Manitowoc County Case against Mr. Neeb, he was charged with, and convicted of, bail jumping:

1	946.49(1)(a)	Bail Jumping-Misdemeanor	Misd. A	Guilty Due to Guilty Plea
Modifier:	939.62(1)(a)	Repeater		
2	946.49(1)(a)	Bail Jumping-Misdemeanor	Misd. A	Charge Dismissed but Read In
Modifier:	939.62(1)(a)	Repeater		
3	343.44(1)(b)	Operating While Revoked (Rev due to alc/contr subst/refusal 4th+)	Misd. U	Charge Dismissed but Read In

In a 2016 Manitowoc County case against Mr. Neeb, the following were the charges and convictions:

1	946.49(1)(b)	Bail Jumping-Felony	Felony H	Guilty Due to Guilty Plea
2	946.49(1)(b)	Bail Jumping-Felony	Felony H	Charge Dismissed but Read In
3	961.41(3g)(g)	Possess Methamphetamine	Felony I	Guilty Due to Guilty Plea
4	946.49(1)(a)	Bail Jumping-Misdemeanor	Misd. A	Charge Dismissed but Read In
5	946.49(1)(a)	Bail Jumping-Misdemeanor	Misd. A	Charge Dismissed but Read In

In a related 2016 case, Mr. Neeb had these charges:

Count no.	Statute	Description	Severity	Disposition
1	946.49(1)(b)	Bail Jumping-Felony	Felony H	Charge Dismissed but Read In
2	946.49(1)(a)	Bail Jumping-Misdemeanor	Misd. A	Charge Dismissed but Read In
3	946.49(1)(a)	Bail Jumping-Misdemeanor	Misd. A	Charge Dismissed but Read In
4	943.20(1)(a)	Theft-Movable Property <=\$2500	Misd. A	Charge Dismissed but Read In

In a 2015 Manitowoc County case, Mr. Neeb had the following charges and conviction:

1	940.20(1)	Battery by Prisoners	Felony H	Charge Dismissed but Read In
2	940.19(1)	Battery	Misd. A	Charge Dismissed but Read In
3	947.01(1)	Disorderly Conduct	Misd. B	Guilty Due to No Contest Plea

All of this speaks to whether Lotus is the correct operator of the Lake Street facility. Regardless of whether Mr. Neeb has been present at Lake Street as a visitor or an employee of Lake Street, he should not have been there.

Jeffrey P. Patterson

414 Chicago Street,

Manitowoc, WI 54220

NOVEMBER 17, 2023

Hello Jeff & Karen -

My name is Mark D Klein and live with my wife Gaye at 407 State St where we have lived for over 30 years. I received your flyer today and did leave phone message for Michael Cummings to get other council members to vote no. I have witnessed many and many many more drug actives take place outside my house windows on State Street. These events happen day and night due to the old Coast Guard House being a safe place for drug users to visit. There is another such place called the Lighthouse

Recovery in the 700 block of Park Street and there is foot traffic from there to North Lake Street for several years. People would park their cars on State Street to spend the night at this old Coast Guard House when this first started several years ago. A couple of years ago we had a person so high on drugs they got into my back breeze way and was banging on my back door around 11pm. While the back door was lock, the breeze way door was unlocked. The Police did show up right away and the person was caught. Long story but the breeze way door is now kept locked at night and most days we keep the doors locked when we are inside our home. I know your issue first hand. This is NOT a safe block that we live on. The Police try to make additional patrols and LED lights have been installed. Be safe and thank you for you efforts!!!

Best wishes -

Mark D Klein

NOVEMBER 18, 2023

At its meeting on September 16, 2019, the Common Council approved a Conditional Use Permit for Holy Family Memorial/CORE Treatment Services. This allowed HFM to operate an Alcohol and Other Drug Abuse (AODA) Treatment Facility next to HFM's parking lots.

Just as with Lotus' pending application, Plan Commission staff called the HFM project "Transitional Housing." So, what's wrong with approving another "Transitional Housing" operation -- but at the Lakefront this time?

In Holy Family's permit, the critical and first requirement was that the facility must be licensed with the State of Wisconsin Department of Health Services as a Community Substance Use Service. This is a difficult and lengthy process. So, the permit

anticipated that even Holy Family might not be able to get licensed. The permit said it would expire if Holy Family was unable to get the license by December 31, 2020.

Then, if Holy Family got the license, it became subject to strict and continuing enforcement and control by the DHS, including unannounced inspections.

In the Lotus CUP, there's no requirement that it be licensed. Alderpersons -- Please consider this logic:

Lotus has said that it does not provide treatment services to its residents. But, we hope you'll recognize that congregating 15 persons with various drug abuse disorders in one place and NOT treating them, presents a GREATER risk to public safety than a place that both houses and treats them.

Just because occupants are not being treated at a Lotus house doesn't mean:

that the residents' home should be less safe and less likely to lead to recovery,

that the people overseeing the residents shouldn't have their backgrounds checked, or

that residents should be at risk from fellow residents and their visitors

The Wisconsin DHS licensing process that the Council required HFM to go through placed stringent requirements, and ongoing compliance. This was to

Preserve safety of the public,

Preserve the safety of the residents, and

Provide an environment that would lead to successful recovery.

Holy Family had to provide:

Entity Caregiver Background Checks, approved by the Office of Caregiver Quality

A building plan submitted to the Office of Plan Review and Inspection. The requirements are massive and intended to provide a safe and productive environment

Policies for the “management of risks such as the delivery of drugs or alcohol by guests and visitors, the possession or delivery of weapons or other contraband by guests and visitors, or potential violent behavior of guests or visitors.”

An onsite survey by the Behavioral Health Certification Section

The names and principal business addresses of all officers and board members.

Proof that “all staff know and understand the rights of the clients that they serve”

A designated client rights specialist

An explanation of the 24-hour staffing pattern for the facility

The results of an approved fire inspection completed within the last 12 months

Written plans for the provision of medical care for residents and written plan for providing emergency transportation for patients needing emergency medical services.

Policies for

Safety of facility entrances and exits.

Facility design such as tamper-resistant electrical outlets, control of sharps, impact resistant glass, and anchoring of furniture.

Search of patients and property.

Retain all records for 7 years and allow DHS access to all service documents, open and closed client records, and staff member files at any time.”

If HFM received a report of an allegation of abuse or neglect of a client, or misappropriation of property at the service location, it had to take immediate steps to ensure the safety of all clients.

Holy Family had to submit to unannounced inspections to verify their compliance

There are other sharp differences between the 2019 Holy Family permit and the proposed Lotus CUP:

HFM did not propose to house criminals. HFM proposed to serve people “who seek treatment for drug and/or alcohol use.”

Lotus proposes to house convicted criminals who have not completed Drug Court or their substance abuse programs. Others will be housed as an aspect of probation or a continuance of incarceration.

HFM residential staff was “required to be on-site 24 hours a day.”

Lotus has not identified its staff or any resident advocate who will be at Lake Street, nor any staffing plan.

HFM was required to keep the building locked from the outside at all times.

Lotus's CUP has no requirement for locking the building.

HFM was required to have a security system and camera on the outside of the building and to work with the Manitowoc Police Department regarding its placement and operation.

Lotus shall, if the Manitowoc Police Chief requests, install required security enhancements into the Residence on terms acceptable to Lotus and the Chief.

Here's the current HFM Board of Directors:

BOARD CHAIR

Genevieve Shields | Retired Senior Vice President, Human Resources, Kohl's Corp.

BOARD VICE CHAIR

Charles Krueger, CPA | Senior Audit Manager, Hawkins Ash CPAs

BOARD SECRETARY

Sister Nancy Kinate | Franciscan Sisters of Christian Charity

BOARD TREASURER

Adam Smith | VP/FH Decision Support & Financial Planning, Froedtert Health

Brandon Bartow | President, Bartow Builders

Matthew Campbell, MD | General & Vascular Surgeon, Froedtert Holy Family Memorial

Paul Carlsen, PhD | President, Lakeshore Technical College

Allen Ericson | President, Froedtert West Bend Hospital, Froedtert Community Hospital Division, Froedtert Community Hospital

Candice Giesen | Director of Advancement, Roncalli Catholic Schools

Arlene Guzman | Chief Executive Officer, Guzmans Janitorial Service LLC

Marilyn Kaufmann, PhD, RN | Retired Nursing Instructor/Administrator, Lakeshore Technical College

Margaret Klatt, MD | Pain Management Clinic Physician, Chief of the Medical Staff, Froedtert Holy Family Memorial

Sister Mary Frances Maher | Franciscan Sisters of Christian Charity

Ryan Neville | President Northeast Market, Froedtert Holy Family Memorial

Frank Soltys | System CEO, Felician Village

Tom Veesser | VP Quality/Chief Nursing Officer, Froedtert Holy Family Memorial

Have you, as a representative of the citizens of Manitowoc, verified who is on the Lotus Board of Directors?

Jeffrey P. Patterson

414 Chicago Street,

Manitowoc, WI 54220