

MINUTES
PROTECTION & WELFARE COMMITTEE
Monday, September 26, 2016
City Hall, Room 207
5:00 p.m.

MEMBERS PRESENT: Chairperson Ald. Scannell, Vice Chairperson Ald. Dorff, Ald. Zima
MEMBERS EXCUSED: Ald. Galvin
MEMBERS ABSENT: None
OTHERS PRESENT: Asst. City Atty Kristin Bohnert
Captain Keith Knoebel

1. Roll Call.
The meeting was called to order Chairman Scannell at 5 p.m.
2. Approval of the Agenda.
Moved by Ald. Zima, seconded by Ald. Dorff to approve the agenda as presented. Motion carried.
3. Approval of the minutes from the September 12, 2016 meeting.
Moved by Ald. Dorff, seconded by Ald. Zima to approve the minutes from the September 12, 2016 meeting as presented. Motion carried.
4. Consideration with possible action on an application for a "Class A" Liquor License by Dousman Fuel, Inc. at 606 Dousman Street. (Currently has beer only.) This was previously discussed at Sept. 12 P&W meeting and placed on hold until the Police Department could reach out to school; and neighborhood associations.

Captain Knoebel informed the committee that he spoke with Fort Howard School personnel who indicated they had no issue with the request by Dousman Fuel. He stated he was not aware of the request to contact the Neighborhood Association.

Ald. Scannell added that he did speak with the President of the Neighborhood Association and although the Association has not met, the President stated he was personally opposed. Captain Knoebel indicated he was aware that the Association has been upset with bottles and other trash in the neighborhood.

Captain Knoebel stated he spoke with the officer who polices the Dousman Fuel area who indicated he was concerned there was not sufficient space behind the counter for liquor. The Department prefers liquor not be on shelves where it would be more accessible to steal, etc. He also noted that not all employees have licenses to sell. There has been one incident of selling tobacco to a minor at this business.

Motion made by Ald. Dorff, seconded by Ald. Zima to suspend the rules to allow interested parties to speak. Motion carried.

Sarbjit Sinoz – W052 Cattail Court, Appleton, WI

Mr. Sinoz stated that he and his wife have a license to sell liquor. It was explained that the owner does not need a license, however, there always has to be a licensed individual in the store. Ald. Scannell noted that the alcohol will need to be behind the counter and locked. Mr. Sinoz stated he could rearrange to accommodate this request. He can also do the same with tobacco.

Motion made by Ald. Zima, seconded by Ald. Dorff to return to regular order of business. Motion carried.

Motion made by Ald. Dorff, seconded by Ald. Zima to approve for discussion.

Ald. Dorff stated she spoke with the Superintendent of the School District who indicated they have no objection, that they have had no problems.

Ald. Zima was surprised the School District would have no problem with the request. He noted there are other similar items on the agenda and they should all be treated the same unless there are extenuating circumstances. He does not feel that selling liquor is an amenity that is attractive for a family neighborhood and is not positive. He indicated he is opposed to the request.

Ald. Scannell stated that although he was also surprised by the response from the School District, he believes that if the owner is responsible and keeps the liquor locked up it may not be a negative as it helps the establishment stay in business. He noted this business also provides other products that are a benefit to the neighborhood. He indicated that a more comprehensive study on alcohol problems in the community would show if there is a problem with this type of sale.

Asst. City Attorney Bohnert informed the committee that approval of this item will be subject to a 2/3rds vote of Council as it is within 300 feet of a school.

Ald. Zima stated that in the past, in an effort to upgrade neighborhoods, the City placed a moratorium on those taverns that were seen as problems. He opined that selling single small bottles of liquor is not selling to responsible drinkers. He noted that Dousman Fuel has been in business for some time without selling this product.

Ald. Scannell, although sharing some of Ald. Zima's opinions, stated that selling this product provides a service if it is done responsibly. He noted that the problem with litter and vagrancy in the area has improved, although Ald. Zima pointed out this may be due to a liquor store recently going out of business.

Motion made by Ald. Dorff, seconded by Ald. Zima to approve (subject to a 2/3rds vote from the Council) an application for a "Class A" Liquor License by Dousman Fuel, Inc. at 606 Dousman Street. (Currently has beer only.)

Ayes: Dorff, Scannell

Nays: Zima

Motion carried 2-1

Ald. Scannell stated that this item will go to Council for final discussion, noting a 2/3rds vote will be required to pass.

5. Consideration with possible action an application for a "Class A" Liquor License by Terry's E-Z Go, LLC, at 401 Mather Street. (Currently has beer only.) This was previously discussed at Sept 12 P&W meeting and placed on hold until the Police Department could review previous violations and current equipment.

Captain Knoebel stated that again he spoke to the officer policing this area who informed him the business has a new manager who is on top of things, they have a scanner, and all employees are licensed. The only recent offense was retail theft, with the last violation related to tobacco in August of 2014.

Motion made by Ald. Dorff, seconded by Ald. Zima to suspend the rules to allow interested parties to speak. Motion carried.

Terry Cayemberg – 1275 Killdear Lane, Green Bay

Ald. Dorff asked Mr. Cayemberg if he had a place to lock up liquor. He replied that he has shelving behind the counter which he plans to enclose so that bottles are not visible after closing time.

Motion made by Ald. Dorff, seconded by Ald. Zima to return to regular order of business. Motion carried.

Motion made by Ald. Dorff, seconded by Ald. Zima for discussion.

Ald. Zima reiterated his previous comments that he is not in favor of small bottle liquor sales noting this business is in an area between Mather and Broadway. He asked that if approved, there be a review in six months.

Ald. Scannell agreed that the City needs to stay on top of these businesses, noting, however, if the owners are responsible, there is support in the neighborhood, and no one has come forward in opposition he would support.

Motion made by Ald. Dorff, seconded by Ald. Zima to approve an application for a "Class A" Liquor License by Terry's E-Z Go, LLC, at 401 Mather Street. (Currently has beer only.)

Ayes: Dorff, Scannell

Nays: Zima

Motion carried 2-1

6. Consideration with possible action on an application for a "Class A" Liquor License by Singhs C Store 2, Inc. at 952 W. Mason Street. (Currently has beer only.) This was previously discussed at Sept. 12 P&W meeting and placed on hold.

Captain Knoebel reported this business last had a citation in 2014 for selling to a minor. In March of this year, a clerk was charged with possession of marijuana. There are two employees with licenses. When speaking with the owner, he was told one of these employees will always be on site.

Motion made by Ald. Dorff, seconded by Ald. Zima to suspend the rules to allow interested parties to speak. Motion carried.

Ranbir Sherbill – 1335 Summit Avenue - #206 – Oshkosh, WI

Mr. Sherbill took over this business in August of this year. He and another individual, who both have licenses, are running the store, however, he is looking to hire. The incident with the marijuana violation occurred before he owned the business. He noted there is another business in the area which sells liquor and he would like to be competitive.

Motion made by Ald. Zima, seconded by Ald. Dorff to return to regular order of business. Motion carried.

Motion made by Ald. Dorff, seconded by Ald. Zima to approve for discussion.

Ald. Dorff asked the location and was told it is on 12th Street near the bridge.

Ald. Zima reiterated his above comments, opining he does not find this type of business user or neighborhood friendly, stating he finds nothing positive about it.

Motion made by Ald. Dorff, seconded by Ald. Zima to suspend the rules to allow interested parties to speak. Motion carried.

Ranbir Sherbill – Oshkosh

Spoke to his reputation, stating his family has been in this type of business for ten years without issue. He indicated he has made a large investment and would have a lot to lose if he does not run it responsibly.

Motion made by Ald. Zima, seconded by Ald. Dorff to return to regular order of business. Motion carried.

Ald. Zima clarified it is not the respectability of the owner but instead relates to the type of customer this type of business draws.

Ald. Scannell stated he is willing to give the business a chance, pointing out that gas stations today sell a variety of products. Although he understands that an alcohol problem exists, he is unsure this is the source of the problem. He also stated that issues of litter and vagrancy may exist whether liquor is sold in the area or not, that a solution may fall to providing other services.

Ald. Zima disagreed with this, stating to provide services to alcoholics may be considered enabling. He was disappointed there was no representation from the neighborhood associations.

Motion made by Ald. Dorff, seconded by Ald. Zima to approve an application for a “Class A” Liquor License by Singhs C Store 2, Inc. at 952 W. Mason Street. (Currently has beer only.)

Ayes: Dorff, Scannell

Nays: Zima

Motion carried 2-1

7. Consideration with possible action an appeal by Rajdeep Grewal to the denial of his Operator License application.

Asst. City Attorney Kristen Bohnert stated that the City Attorney's Office recommends denial based on past issues related to operating while intoxicated, with two convictions for OWI in 2015.

Captain Knoebel stated that the Police Department objects to the approval of an operator license based on the gravity of charges the applicant has acquired.

Motion made by Ald. Dorff, seconded by Ald. Zima to suspend the rules to allow interested parties to speak. Motion carried.

Rajdeep Grewal – 1250 Doblson Street – Apt C, Green Bay

Mr. Grewal stated that he moved to the Green Bay area one month ago and has signed a one year lease. He has completed counseling successfully and is optimistic about his recovery. He needs an operator's license to help support his family.

Ald. Zima clarified the employer sells liquor pointing out there are opportunities for other types of employment in the city. Mr. Grewal stated he cannot drive and can get employment within ½ mile of where he lives in a convenience store where they mainly sell groceries. Although they sell liquor, it is sealed and unopened. The business is on Irwin Street.

Captain Knoebel pointed out that although there were previous problems at this business, it presently has a new owner.

Ald. Dorff asked if Mr. Grewal would be working with his family and he indicated he would not.

Magbool Muhammad – 434 S. 82nd Street, Greenfield, WI

Mr. Muhammad is the owner of the convenience store business on Irwin Street and is on site four days a week. He has two other employees who have liquor licenses as does he. He noted that all liquor sold is in closed containers. Although Mr. Grewal would usually be working with a licensed co-worker, he would like him to have a license if he had to run errands and Grewal would be working alone. Mr. Muhammad indicated that Mr. Grewal's mother asked him to help Mr. Grewal out and keep him close to where he lives.

Ald. Scannell noted that the decision of the committee will have to take into consideration that Mr. Grewal could take his license and work elsewhere where there is open liquor.

Motion made by Ald. Dorff, seconded by Ald. Zima to return to regular order of business. Motion carried.

Motion made by Ald. Dorff, seconded by Ald. Zima for discussion.
Motion carried.

Ald. Dorff noted that Mr. Grewal appears to want to work and has the support of his family and potential employer. He has completed counseling and appears motivated to live a better life. She indicated she would support his request.

Ald. Zima noted the owner lives in a different city and although states he is in Green Bay four times a week questioned if he is at this store.

Motion made by Ald. Dorff, seconded by Ald. Zima to suspend the rules to allow interested parties to speak. Motion carried.

Magbool Muhammad – 434 S. 82nd Street, Greenfield, WI

Stated he is in Green Bay a minimum of four days a week, sometimes more. He stated he buys rundown properties and remodels them. He has a manager who has worked for him at another site who has moved to Green Bay. He owns properties throughout the State. Mr. Muhammad does not plan to move to Green Bay as he has children in school in the Greenfield area near Milwaukee. Once the business is established, he still plans to come to Green Bay several days a week.

Motion made by Ald. Dorff, seconded by Ald. Zima to return to regular order of business. Motion carried.

Ald. Scannell pointed out that State Law says that a license cannot be issued if there is a felony, opining that approval of this request would fall within those guidelines.

Ald. Zima stated he believes in second chances.

Motion made by Ald. Dorff, seconded by Ald. Zima to approve an appeal by Rajdeep Grewal to the denial of his Operator License application.
Motion carried.

8. Consideration with possible action a request by Ald. Scannell to amend the moratoriums on liquor licenses to allow exceptions with either a 2/3rds or 3/4ths vote from Council.

Atty. Bohnert recommended that if the committee wishes to approve this request to amend moratoriums on liquor licenses to allow exceptions that it be referred to staff to draft an ordinance.

Ald. Zima stated he would be in favor of this recommendation and would suggest a 3/4ths vote of the Council.

Ald. Dorff stated she would support either a 2/3rds or 3/4ths vote. She noted that many requests before this committee have not been the usual bar situation but instead have involved a wine bar or wedding chapel, agreeing there should be exceptions to the moratorium.

Motion made by Ald. Zima, seconded by Ald. Dorff to refer to staff to draft an ordinance allowing for 3/4ths vote from Council to allow exception to issue liquor licenses in moratorium areas. Motion carried.

Motion made by Ald. Zima, seconded by Ald. Dorff to adjourn at 6:07 p.m.
Motion carried.

Respectfully submitted,

Rae G. Knippel
Transcription