

MINUTES
PROTECTION & WELFARE COMMITTEE
Monday, November 26, 2012
City Hall, Room 207
5:00 P.M.

Members Present: Ald. Steuer, Ald. Brunette, Ald. Boyce, and Ald. Tim De Wane
Members Excused: None
Members Absent: None
Others Present: Jim Mueller – Asst. City Attorney, Capt. Joe Deuster – Green Bay Police Dept., Ald. Tom DeWane, Officer Dave VanErem, and other interested parties

1. Roll Call.

Ald. Steuer, Ald. Brunette, Ald. Boyce, and Ald. Tim DeWane were present.

2. Approval of the Agenda.

Item #9 was moved after #3

A motion was made by Ald. Tim DeWane and seconded by Ald. Boyce to approve the agenda as modified. Motion carried.

3. Approval of the minutes from the October 22, 2012 meeting.

A motion was made by Ald. Brunette and seconded by Ald. Tim DeWane to approve the minutes from the October 22, 2012 meeting. Motion carried.

4. Application for a Class "B" Combination License by Justin Sobieraj at 1542 University Avenue (postponed from October 22, 2012 meeting). (Transfer from Kathy Broder)

Atty. Mueller explained there are circumstances behind this request for application that are of concern, that being that the Police Department has obtained information that the applicant has been involved with Mr. Beto Serrano. Mr. Serrano previously owned and operated bars in the area where there were major problems. As his licenses have been suspended and revoked, he has attempted to get other people to run bars for him. The information that was received indicates that the applicant and Mr. Serrano are partners in this business and that Mr. Serrano actually paid the first month's rent.

Ald. Steuer opened the floor without objection.

Justin Sobieraj, 984 Pine Crest Road appeared and responded that he has no business partner, that he has managed the establishment for two months. He stated he has had no involvement with Mr. Serrano other than he purchased equipment from him. There was an incident on November 26, 2012 when he called the police because of an altercation between patrons and charges were placed on the patron.

Atty. Mueller indicated that if the Committee is comfortable with granting the license application, he suggests that a stipulation asking that Mr. Sobieraj have nothing to do with Mr. Serrano in regard to bar operations be added.

Kathy Broder, 12132 Velp Avenue, stated that she is familiar with Mr. Serrano because of involvement in the tavern business.

At the request of Ald. Boyce, Mr. Sobieraj agreed that he was willing to sign the proposed stipulation stating he would have nothing to do with Mr. Serrano.

Atty. Mueller indicated that although the Law Department will not object to approval of the application, he would like to see safety valves in place.

Ald. Tom DeWane stated that he has personal knowledge that Mr. Sobieraj has had contact with Mr. Serrano, that they have been seen together in bars on University Avenue.

Ald. Brunette asked if Mr. Sobieraj plans to serve food in the future and Mr. Sobieraj responded that he hoped to have a grill within one year and that he would be requesting approval for a pre-pack license.

Although there have been over 34 police calls in the neighborhood of this establishment, the Police Department verified they have not necessarily involved this business.

Ald. Brunette asked that approval be postponed until the next meeting to allow the Police Department to work with the owner.

Ald. Boyce asked if there was a security plan in place, whether the incident was on video and it was determined there is not.

Officer VanErem reported they have visited the establishment and met with Mr. Sobieraj during the application process. It was pointed out that language in the application is not consistent with usual contract language, and in addition there are conflicts relative to a partnership, that Mr. Serrano acted only as a rental agent, that he only sold equipment to Mr. Sobieraj, etc. Conversations have been recorded with regard to a business plan and a recommendation was made that a business plan include a stipulation that cameras are installed.

A motion was made by Ald. Brunette and seconded by Ald. Tim DeWane to postpone to the next Protection & Welfare meeting the application for a "Class B" Combination License by Justin Sobieraj at 1542 University Avenue (postponed from October 22, 2012 meeting). (Transfer from Kathy Broder). Motion carried.

5. Application for a "Class B" Combination License by Leather and Lace Enterprises, LLC at 1351 Cedar Street. (Transfer from TGIA LLC).

Atty. Mueller stated there were no objections from the Law Department.

Capt. Deuster stated there were no objections from the Police Department.

A motion was made by Ald. Brunette and seconded by Ald. Tim DeWane to approve the application for a "Class B" Combination License by Leather and Lace Enterprises, LLC at 1351 Cedar Street with the approval of the proper authorities. (Transfer from TGIA LLC). Motion carried.

6. Application for a "Class B" Combination License and an Adult Entertainment License by B.J.R.N., LLC at 418 N. Monroe Avenue. (Transfer from DAFI, Inc.)

Atty. Mueller confirmed that the applicant was not present to address this item, stating that he was notified. Law Department recommendation is to postpone until the next meeting.

A motion was made by Ald. Tim DeWane and seconded by Ald. Boyce to postpone until the next Protection & Welfare meeting the application for a "Class B" Combination License and an Adult Entertainment License by B.J.R.N., LLC at 418 N. Monroe Avenue. (Transfer from DAFI, Inc.) Motion carried.

7. Renewal application for a Direct Seller's Permit by Thomas Kulhanek. (Hot Dog Cart)

Atty. Mueller stated no objections from the Law Department.

Capt. Deuster stated no objections from the Police Department.

A motion was made by Ald. Brunette and seconded by Ald. Brunette to approve the renewal application for a Direct Seller's Permit by Thomas Kulhanek. (Hot Dog Cart) Motion carried.

8. Renewal application for a Direct Seller's Permit by Nick Slupski. (Hot Dog Cart)

Atty. Mueller stated no objections from the Law Department.

Capt. Deuster stated no objections from the Police Department.

Chairman Steuer informed the Committee that he spoke with Mr. Slupski who indicated that because Washington Street has become busy, he proposes to move to the 1200 block of Main Street.

A motion was made by Ald. Boyce and seconded by Ald. Tim DeWane to approve the renewal application for a Direct Seller's Permit by Nick Slupski. (Hot Dog Cart) Motion carried.

9. Notice of Change of Agent for Howard J. Johnston, LLC at 1263 E. Mason Street

Atty. Mueller stated no objection from the Law Department.

Capt. Deuster stated no objection from the Police Department.

Mr. Johnston was informed that final approval will be given by the City Council at their next meeting.

A motion was made by Ald. Tim DeWane and seconded by Ald. Brunette to approve the Notice of the Change of Agent for Howard J. Johnston, LLC at 1263 E. Mason Street. Motion carried.

10. Request by Green Bay Sportservice Inc., 1265 Lombardi Avenue to hold an outdoor event on December 2, 2012.

Atty. Mueller stated no objections from the Law Department.

Capt. Deuster stated no objections from the Police Department.

Chairman Steuer opened the floor without objection

Mr. Jamie Hoff explained this request is to place a tent at the 1265 Lombardi site for use by employees of the Vikings' team.

Chairman Steuer closed the floor without objection.

A motion was made by Ald. Brunette and seconded by Ald. Boyce to approve the request by Green Bay Sportservice Inc., 1265 Lombardi Avenue to hold an outdoor event on December 2, 2012. The approval of the request is subject to complaint. Motion carried.

11. Letter from Raymond Greco formally contesting the "Dangerous Dog" declaration at 3165 Nicolet Drive.

Atty. Mueller stated that he was informed that the dog has been removed from the City, therefore recommended a motion to deny.

A motion was made by Ald. Boyce and seconded by Ald. Tim DeWane to deny the appeal from Raymond Greco formally contesting the "Dangerous Dog" declaration at 3165 Nicolet Drive. Motion carried.

12. Appeal by Seree Staple to the denial of her Operator License application.

Atty. Mueller stated that the applicant was not present and that the Law Department recommends denial based on a history of multiple convictions including resisting an officer, bail jumping and retail theft. Atty. Mueller verified that the applicant was notified.

A motion was made by Ald. Brunette and seconded by Ald. Tim DeWane to deny the appeal by Seree Staple to the denial of her Operator License application. Motion carried.

13. Quarterly Report of chronic nuisance addresses including liquor establishments submitted by the Green Bay Police Department.

Atty. Mueller explained that chronic nuisance calls are monitored for enforcement action. The Committee reviewed the list that was provided and the Police Department indicated that they also monitor any areas that are of concern.

A motion was made by Ald. Tim DeWane and seconded by Ald. Boyce to receive and place on file the Quarterly Report of chronic nuisance addresses including liquor establishments submitted by the Green Bay Police Department. Motion carried.

14. Request by Ald. Nicholson to add § 940.255 (1)(d). 1987 Wis. Stats., relating to sexual crimes committed against children, to the sex offender ordinance.

Atty. Mueller stated that the Law Department recommends approval, explaining that the ordinance will be adjusted to include an old law which will clarify the new sexual crimes language.

Ald. Brunette asked if this request by Ald. Nicholson relates to the Press Gazette article who reported that an individual was living in an area of the City not approved. Ald. Tom DeWane agreed this was part of the reason.

A motion was made by Ald. Boyce and seconded by Ald. Tim DeWane to approve the draft ordinance adding § 940.255 (1)(d). 1987 Wis. Stats., relating to sexual crimes committed against children to the sex offender ordinance. Motion carried.

15. Request by the Fire Department to amend Green Bay Municipal Code 24.03 to include The International Fire Code 2009 Edition Adopted

Atty. Mueller referred to the two ordinances relative to this request.

Capt. Joe Gabe, Green Bay Fire Marshall's Office, explained this request is to adopt updated language from the 2009 version of the International Fire Code by all Fire Departments within the State of Wisconsin by January 1, 2012.

In response to Ald. Boyce's questions regarding staffing, Capt. Gabe explained there are three full-time inspectors in the Green Bay office. In addition, there are crew on ambulances, ladder companies, etc. who are also trained to do business inspections. He explained that some inspections can take several days, while others only hours, depending on the size of the facility.

A motion was made by Ald. Boyce and seconded by Ald. Brunette to approve the draft ordinance amending Green Bay Municipal Code §24.03 to include The International Fire Code 2009 Edition Adopted. Motion carried.

16. Request by the Law Department to adopt § 704.95, Wis. Stats., and ATCP 134. Wis. Admin. Code relating to landlord-tenant practices and residential rental practices to Chapter 27 of the Green Bay Municipal Code.

Atty. Mueller explained this request relates to a State Law regarding landlord/tenant issues. As the State has not been enforcing the law due to lack of resources, approval will allow the City to do so. The new budget includes the position of a Residential Compliance Inspector who will be responsible for investigation and enforcement of these violations. Atty. Mueller indicated that the Mayor and staff feel this is a way to improve neighborhoods and therefore recommend approval.

A motion was made by Ald. Brunette and seconded by Ald. Tim DeWane to approve the draft ordinance adopting § 704.95, Wis. Stats., and ATCP 134. Wis. Admin. Code, relating to landlord-tenant practices and residential rental practices to Chapter 27 of the Green Bay Municipal Code. Motion carried.

A motion was made by Ald. Tim DeWane and seconded by Ald. Brunette to adjourn the meeting at 5:45 p.m. Motion carried.

rgk