

MINUTES
PROTECTION & WELFARE COMMITTEE
Monday, November 11, 2013
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. Runge, Mayor Jim Schmitt, Ald. Wiezbiskie, Ald. Kocha, Ald. Thomas DeWane, Jeff Mirkes – Downtown Green Bay Inc. and other interested parties.

NOTE: Items 14, 7 and 13 were taken after item #3

1. Roll Call.

Ald. Steuer, Ald. Brunette, Ald. Boyce, and Ald. Tim De Wane were present.

2. Approval of the Agenda.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to approve the agenda. Motion carried.

3. Approval of the minutes from the October 21, 2013 meeting.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to approve the minutes from the October 21, 2013 meeting. Motion carried.

4. Application for a "Class A" Liquor License by Astor Mini Mart, LLC at 1180 E. Mason Street. (Currently has beer only.)

There were no objections from the City Attorney Office. Atty. Mueller wanted to inform the applicant that the hard liquor must be kept in a separate area and that area needs to be locked up at 9:00 p.m. Atty. Mueller also stated that security cameras must be installed.

There were no objections by the Police Department.

Ald. Steuer opened the floor without objection.

Mike Waldo, 1180 E. Mason Street, appeared and stated he has been a responsible business owner for the past 15 years. He is looking for a way to increase his business and provide for his customers. He understands what Atty. Mueller stated.

A motion was made by Ald. Tim De Wane and seconded by Ald. Boyce to approve the application for a "Class A" Liquor License by Astor Mini Mart, LLC at 1180 E. Mason Street with the approval of proper authorities. (Currently has beer only.) Motion carried.

5. Application for a Class "B" Beverage and a "Class C" Wine License by Amanda Luedtke at 154 N. Broadway.

There were no objections by the City Attorney Office or the Police Department.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to approve the application for a Class "B" Beverage and a "Class C" Wine License by Amanda Luedtke at 154 N. Broadway with the approval of proper authorities. Motion carried.

6. Application for one of ten available "Class B" Combination Liquor License by The Alumni Club LLC at 219 N. Washington Street.

Atty. Mueller stated that the applicant has withdrawn the application and the City Attorney Office recommendation is to receive and place it on file.

A motion was made by Ald. Brunette and seconded by Ald. Boyce to receive and place on file the application for one of ten available "Class B" Combination Liquor License by The Alumni Club LLC at 219 N. Washington Street. Motion carried.

7. Application for one of nine available "Class B" Combination Licenses by Wiskey and Women Inc. at 225 E. Walnut (referred back from the November 5, 2013 Common Council meeting).

Atty. Mueller stated that this issue has been discussed multiple times and the City Attorney Office does concur with the Economic Development Authority (EDA) and Police Department's recommendation to deny.

Neil White, EDA, appeared and stated that the City has purchased the former Schauer and Schumacher Building and they are working with developers to transform this building and don't believe it would be in the best interest to have a tavern next door. Mr. White stated the applicant has not submitted any plans for improvements or renovations to this address. Individuals exiting the building into the shared alley to smoke could leave behind trash and cigarette butts. The City is trying for a new direction for its downtown by getting away from adding more taverns. There has been an influx of interest in housing in the downtown area. Therefore the EDA recommends denial of this application.

Chris Swaab, 1374 Dousman Street, appeared and stated the bar he wants to open would be a respectable business. It isn't a large area and he would keep it clean and the outside area picked up. There are other restaurants and taverns

close to the former Schauer and Schumacher Building, and it is his understanding the City isn't even close to having their plans for it accepted. Mr. Swaab stated that Hagemeister Park has an outdoor area where people smoke and drink and they have live bands, and there is a condominium right across the street so he doesn't understand what the difference would be. He is not hearing viable reasons for denying him this license. He stated that if the City does put housing in the Schauer and Schumacher Building the tenants could be drinkers and smokers, just like his patrons would be.

Capt. Runge stated the applicant met with Officer Van Handle with the business plan. The Police Department doesn't have any issues with the actual applicant; the issue is the location of the business. The downtown culture has changed significantly in the last few years. Where there used to be taverns there is now entertainment, restaurants, and housing. There are no longer huge crowds on the weekends spilling out of bars causing trouble. In 2012 there were 111 calls for police assistance in the Washington Street area, this year there were only 34. The Police Department doesn't want to go back to having most of their resources policing the downtown area and that is why they are recommending denial. Capt. Runge stated so much work and progress went into changing the downtown area into what it has now become and they want to continue moving forward, not backwards.

Atty. Mueller reported in the past year the only new liquor license that was issued in the downtown area, was for a sports bar and pizza restaurant. Atty. Mueller wanted to emphasize that denying the license today should not be a reflection on the applicant; it's the type of establishment he wants to open.

Mr. Swaab stated that he owned a tavern in another City for 13 years and has never had any violations or calls for police assistance made to this business. He plans to operate his new business the same way. Mr. Swaab stated that it sounds like he is being told that if he had planned on serving food at this establishment he would be granted a license. He doesn't believe that the owner of the building is willing to invest money into installing restaurant equipment and then having someone who is interested in leasing the building denied a liquor license. Mr. Swaab reiterated that it isn't a large area; there wouldn't be a huge number of people exciting onto the streets after bar closing. It is also his understanding that the shared alley way doesn't actually belong to either building, it is considered a through street and nobody can park there.

Ald. Kocha appeared and recommended that this Committee follow the recommendation by staff and not allow this location to be licensed; we should continue our opportunity to improve our downtown.

Jeff Mirkes, Downtown Green Bay Inc., appeared and stated that the City Attorney Office, the Police Department, and the EDA have concerns about a tavern in this area. Mr. Mirkes stated he recruits businesses to open in the

downtown area and understands that a tavern could have an impact on the developer's decision to invest in an upper scale condominium next door.

A motion was made by Ald. Brunette and seconded by Ald. Boyce to deny the application for one of nine available "Class B" Combination Licenses by Wiskey and Women Inc. at 225 E. Walnut (referred back from the November 5, 2013 Common Council meeting). Motion carried.

8. Notice of the change of agent for Kokoro, LLC at 301 N. Adams Street.

There were no objections by the City Attorney Office or the Police Department.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to approve the notice of the change of agent for Kokoro, LLC at 301 N. Adams Street with the approval of proper authorities. Motion carried.

9. Request by Green Bay Sportservice, Inc. to hold an outdoor event at Lambeau Field parking lot on November 24, 2013.

There were no objections by the City Attorney Office or the Police Department.

A motion was made by Ald. Tim De Wane and seconded by Ald. Jesse Brunette to approve the request by Green Bay Sportservice, Inc. to hold an outdoor event at Lambeau Field parking lot on November 24, 2013. The approval of the request is subject to complaint. Motion carried.

10. Request by the owners of Brewski's, 1100 S. Broadway, to hold an outdoor event on December 29, 2013.

Atty. Mueller stated the City Attorney Office has no objection.

Capt. Runge stated that there have been past issues at this location; however they will approve the request subject to complaint.

Ald. Steuer opened the floor without objection.

Randy Trembl, 1100 S. Broadway, appeared and stated the area will be fenced in and they will have extra security at the event.

A motion was made by Ald. Tim De Wane and seconded by Ald. Boyce to approve the request by the owners of Brewski's, 1100 S. Broadway, to hold an outdoor event on December 29, 2013. The approval of the request is subject to complaint. Motion carried.

11. Request by the Police Department to adopt Wis. Stat. §95.21 relating to rabies control program.

Atty. Mueller stated this is a State Statute that is normally enforced at the County level; however the County is having enforcement problems regarding individuals who violate by not getting their dogs vaccinated against rabies. The Green Bay Humane Officer requested this item appear before this Committee and stated that it is becoming an issue. Atty. Mueller reported that as a local municipality we can adopt this ordinance. If an individual is found in violation then a \$500 citation would be issued, plus costs would make it \$681 and they would be prosecuted at the Municipal Court level.

Capt. Runge stated that the District Attorney's office is currently in charge of prosecuting this and that it is low on their list of priorities. By adopting this statute we would be taking it from a Circuit Court level to the Municipal Court level.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to approve the draft ordinance Wis. Stat. §95.21 relating to rabies control program. Motion carried.

12. Request by Ald. Brunette to discuss the use and storage of portable toilets in residential neighborhoods, with possible action.

Ald. Brunette stated that he represents the area around Lambeau Field and the City allows homeowners to run overnight stays during Packer home game days. Some of these homes have porta-potties for pedestrian usage. A constituent shared his concern that there was a porta-potty that was visible in a neighboring yard. Ald. Brunette toured his District and counted approximately six porta-potties that are in place for the entire Packer season. Ald. Brunette checked with the Housing and Zoning Department and there isn't currently an ordinance in place regarding porta-potties in residential areas. Ald. Brunette stated he would like to put in place an ordinance for porta-potties to be either stored out of view or removed from the property within a day or two after home games.

Atty. Mueller recommended this item be referred to the Plan Commission or the Zoning Administrator. This Committee could hear it if we wanted to regulate the quality of construction of a porta-potty because that's an inspection issue.

Ald. Tom De Wane agrees that they should not remain visible on the property. It is not visually pleasing and there is probably an odor as well. He agrees that they should be able to have them out the day before and removed the day after a game.

Ald. Boyce suggested that the Parking Division note the location of porta-potties they see when issuing parking citations.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to refer to the Zoning Administrator the request by Ald. Brunette to discuss the use and

storage of portable toilets in residential neighborhoods, with possible action. Motion carried.

13. Request by Ald. Kocha, on behalf of a constituent, to discuss the annual date for scheduling trick-or-treating, with possible action.

Ald. Kocha appeared and stated that a constituent inquired if trick-or-treating could be held on a weekend during the daylight hours instead of Halloween Day.

Ald. Tom De Wane stated that as a parent and grandparent sometimes it is only on a weekend when you have available time to spend with your children.

Atty. Mueller stated this issue came before this Committee in 2000 and at that time it was decided to allow trick-or-treating on Halloween Day from 4 p.m. to 7 p.m. to be consistent with other communities. The City Attorney's Office has no recommendation or opinion on this subject.

Ald. Brunette stated he received only one phone call from a constituent who was disappointed trick-or-treating wasn't postponed this year due to the rain. Ald. Brunette stated he would like to keep trick-or-treating on Halloween Day due to the fact that some people leave town on the weekends and others may not like it due to their religious beliefs. Unless there is a huge outpouring of people asking for change we should leave this tradition alone.

Mayor Schmitt appeared and stated that even with the rain they gave out 260 candy bars. It's a tradition in their neighborhood to decorate and celebrate trick-or-treating on Halloween Day.

Ald. Kocha stated she has no problem being consistent with other communities and that she just wanted to get a discussion going.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to receive and place on file the request by Ald. Kocha, on behalf of a constituent, to discuss the annual date for scheduling trick-or-treating. Motion carried.

14. Request by Ald. Wiezbiskie to adopt a methodology to inform people in the areas that are in consideration for placement of sex offenders, so that they can arrange to offer their input.

Ald. Steuer opened floor without objection.

Ald. Wiezbiskie appeared and stated he is concerned that the Sex Offender Board doesn't seem to have any connection with the Common Council and its other Committees. Aldermen are unaware when a sex offender is given the okay to move into a neighborhood, and therefore they can't pass this information on to their constituents. Ald. Wiezbiskie stated he would like to see notification going

out to Alderman, Neighborhood Associations, and the surrounding neighbors when a sex offender is applying to live in their area. Ald. Wiezbiskie stated he submitted this request because a sex offender was approved to move into a home and the neighbors and the two Aldermen in that district were not made aware of this. The home was near a gold course and parks, and small children lived next door.

Atty. Mueller stated that this request has come before this Committee before and that it was decided not to notify neighbors for several reasons: The State has a website listing neighborhoods where sex offenders reside; the Police Department and State Department of Corrections have a CORE group that evaluates certain sex offenders and if they determine violations are severe enough then they will notify the neighbors; and the notification process would be very costly to the City. Determining the radius of neighbors and obtaining the names of parcel owners to be notified would also be very time consuming. A past study showed that a 100 foot radius could be anywhere from 14-20 properties. Atty. Mueller also stated that the agenda for the Sex Offender Board is distributed to all Alderpersons.

Ald. Steuer stated that he believes the City of Appleton uses their police officers to notify neighbors when a sex offender is moving into the neighborhood.

Ald. Tom De Wane stated the simple solution to notifying neighbors is to have the Community Service Interns (CSI) deliver the letters and Neighborhood Associations can be notified via the internet. As soon as a sex offender submits their application a letter can be typed up and distributed to the neighborhood they want to move into. Ald. Tom De Wane also stated that they don't always get the Sex Offender Board agendas or other packets through the mail in time.

Ald. Brunette made a motion that the Law and Police Departments draft a policy that this Committee can act on at the next meeting.

Ald. Wiezbiskie suggested it should be looked into why the Board is allowing offenders to move into locations near parks and children.

Ald. Kocha stated that she and Ald. Wiezbiskie didn't support the sex offender ordinance. The decisions of the Sex Offender Board don't come before the City Council to keep us out of the political spectrum. Now it seems that pressure is being placed back on Alderman by constituents who want to keep offenders out of their neighborhoods; nobody will ever want an offender living next door. Ald. Kocha stated if they are pressured by constituents to deny offenders then they are just going to go underground instead of applying for permission. She believes this will happen if notices are sent out. The Sex Offender Board is an impartial body that determines if an offender should be allowed in the City, and this is how it should remain unless changes are going to be made to the ordinance.

Ald. Tim De Wane stated that the severity of the crime should be considered if neighbors are going to receive a notice.

Ald. Tom De Wane stated that he has sex offenders living in his neighborhood and that he has personally knocked on his neighbor's doors and discussed the situation with them. He stated that it is the City's duty to inform its citizens when a sex offender moves into the area.

Ald. Wiezbiskie stated that his constituents requested to be notified when a sex offender moves into their neighborhood.

Ald. Tom De Wane reiterated that the solution is very simple; CSI should deliver notification to neighbors within a 200 foot radius of where the offender is applying to live.

Ald. Steuer stated that the City Council is supposed to represent the people; however we aren't experts in this area and that is why we rely on the Police and City Attorney's Offices. Ald. Steuer reported that he wasn't in support of the sex offender ordinance either; however it passed and unless we change it we have to abide by it.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to refer to staff to draft a workable solution the request by Ald. Wiezbiskie to adopt a methodology to inform people in the areas that are in consideration for placement of sex offenders to bring back for the next Protection & Welfare Committee meeting. Motion carried.

15. Appeal by Aaron J. Bouche to the denial of his Public Vehicle Operator License application.

Atty. Mueller states the City Attorney's Office recommends denial based on the arrest record which substantially relates to the licensed activity. Atty. Mueller read through the list of convictions which included: 2007 misdemeanor second Operating While Intoxicated (OWI); 2005 misdemeanor for resisting or obstructing an officer; 1997 felony for criminal damage to property; 1997 felony for bail jumping; and a 1997 felony for burglary to a building or dwelling.

Capt. Runge states the Police Department recommends denial for the same reasons.

Ald. Steuer opened the floor without objection.

Aaron Bouche, 211 Arbor Lane, appeared and stated in 1997 he was a teenager who was waived into adult court. He has made mistakes in the past and after his second OWI in 2007 he decided to become sober and has remained sober for the past six years. Mr. Bouche stated that he voluntarily went to a 90-day

treatment program after his second offense. He currently attends a sobriety program at the New Community Shelter. Mr. Bouche stated that his AA Sponsor could not attend tonight's meeting. He has a clean driving record and Yellow Cab has offered him employment. He is currently employed at Marinette Marine, and he would like to earn extra money driving a cab during the weekends and Packer games. Mr. Bouche stated that he has served time and probation for his violations and has paid restitution on the criminal damage to property charges.

Ald. Brunette encouraged Mr. Bouche to bring letters of support from his employer and character references to the upcoming Common Council meeting. Ald. Brunette stated that he believes Mr. Bouche has changed his life, he would just like him to show some proof of that.

Jill Mande, 2693 E. River Drive, appeared and stated she met Mr. Bouche at a meeting and he is an exemplary individual that she has total respect for.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to approve the appeal by Aaron J. Bouche to the denial of his Public Vehicle Operator License application. Motion carried.

16. Appeal by James L. Voss to the denial of his Operator License application.

Atty. Mueller states the City Attorney's Office recommends denial based on the arrest record which substantially relates to the licensed activity. Atty. Mueller read through the list of convictions which included: 2008 felony for a felon in possession of a firearm; 2006 felony of hit and run causing injury and a misdemeanor for a fourth OWI; 2005 misdemeanor for third OWI; 2003 misdemeanor for a second OWI and a forfeiture for resisting or obstructing an officer; and a 1987 misdemeanor for theft/party to a crime.

Capt. Runge states the Police Department recommends denial for the same reasons.

James Voss, 1014 Cardinal, De Pere, WI appeared and stated he made poor choices and a lot of mistakes in the past. He did serve time in prison for the felony possession of a fire arm charge; he had two non-operational guns and his wife had a pistol. He has been sober since 2006 after his last OWI where he caused another person to be injured. He works fulltime and has custody of his four children. Mr. Voss stated that he doesn't receive child support and could use the extra money bartending at Lambeau Field.

Atty. Mueller stated he has concerns issuing Mr. Voss this license due to his past problems with alcohol and inquired if Mr. Voss' employer requests the license in order to work. Mr. Voss stated that he did need to be licensed. Atty. Mueller stated that there is a State statute in place that says as long as you are working with a licensed bartender you do not need to have an operator license and he

would email this statute to Mr. Voss. Atty. Mueller inquired if Mr. Voss could turn in documentation from his employer stating that part of his employment requires he obtain an operator license.

Atty. Mueller stated that he was also concerned that Mr. Voss would be placing himself in an environment where individuals are intoxicated and create disturbances and wondered if he would be comfortable making judgment calls regarding these individuals. Mr. Voss stated that he now knows the evils that alcohol causes and made a conscious choice to stop. It doesn't bother him when people consume alcohol in front of him.

Ald. Tom De Wane stated that in the past a stipulation was put on an operator license that the individual could only work at a certain place of employment and they had to come before this Committee if they wanted to work someplace else. Atty. Mueller stated that this was done in the past but since it isn't enforceable we are getting away from doing that.

Ald. Brunette made a motion to postpone Mr. Voss' request until the next meeting in order for him to receive documentation from his employer that he would need to obtain an operator license in order to be employed.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to postpone for two weeks the appeal by James L. Voss to the denial of his Operator License application. Motion carried.

17. Appeal by Anne Marie Cortez to the denial of her Operator License application.

Atty. Mueller states the City Attorney's Office recommends denial based on the arrest record which substantially relates to the licensed activity. Atty. Mueller read through the list of convictions which included: 2013 misdemeanor for operating while revoked; 2009 misdemeanor for second OWI; 2007 felony for possession with intent to deliver cocaine; 2006 misdemeanor for sixth charge of operating while revoked; and misdemeanors for disorderly conduct in 2004 and 2003. Ms. Cortez had multiple charges in early years of 2000 for driving while her license was revoked; the majority of these charges are alcohol related.

Capt. Runge states the Police Department recommends denial for the same reasons.

Ald. Steuer opened the floor without objection.

Anne Marie Cortez, 4217 Nicolet Road, appeared and stated that the disorderly conduct charges were for activities regarding the father of her child who is now in prison; she no longer has contact with him. Ms. Cortez claims she was innocent of the possession with intent to deliver charges. The cocaine belonged to her roommate who is currently in prison for the same charges. Ms. Cortez stated

she was charged because her name was on the lease. Ms. Cortez reported that she entered a plea agreement because she did know the cocaine was in the home and spent 5 months in prison and completed 2-1/2 years of probation. Ms. Cortez said she willingly allowed the police to search the home.

Atty. Mueller inquired why Ms. Cortez claims she was innocent and if her attorney informed her the charges meant because party to a crime means aiding or abetting in commission of a crime. Ms. Cortez claimed she wasn't involved in delivering of the cocaine; her roommate's boyfriend sold it to an undercover officer and they followed him back to the apartment.

Ms. Cortez states that she has been employed since July at the Pit Row Shell on University. While she was receiving training she didn't need the operator license to work; however she must work on her own now and needs to license to retain her employment. Her employers are aware of her criminal past. Ms. Cortez is working to obtain her driver license. She no longer associates with people from her past and has worked hard at turning her life around.

Ald. Tim De Wane made a motion to approve, motion failed for lack of a second.

Ald. Brunette made a motion to deny, motion failed for lack of a second.

Ms. Cortez was encouraged to attend the Common Council meeting and bring people or information that would vouch for her character.

No Recommendation was made on the appeal by Anne Marie Cortez to the denial of her Operator License application.

A motion was made by Ald. Brunette and seconded by Ald. Boyce to adjourn the meeting at 6:45 p.m. Motion carried.

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