

MINUTES
PROTECTION & WELFARE COMMITTEE
Monday, August 12, 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: Kail Decker–Asst. City Attorney, Capt. Bongle, and other interested parties.

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, with the change of taking item #16 after item #3. Motion carried.

3. Approval of the minutes from the July 15, 2013 meeting.

A motion was made by Ald. Boyce and seconded by Ald. Tim De Wane to approve the minutes from the July 15, 2013 meeting. Motion carried.

4. Application for a “Class A” Liquor and a Class “A” Beverage License by Krist Oil Company at 1369 E. Mason Street (postponed from the July 15, 2013 meeting).

Atty. Decker reported that several issues need to be resolved before the business can open: proper zoning needs to be in place and Building Inspection Department contacted in order to file a site plan. Also certain requirements under Chapter 33 regarding the sale of intoxicating liquor need to be followed: i.e. the liquor section must be gated and in a separate area from the rest of the business, proper signage must be in place, and only closed containers can be sold.

Ald. Steuer opened the floor without objection.

Robert Johnson, 180 S. River Road, Iron River, MI, appeared representing Krist Oil Company and stated it is their intention to build a convenience store/gas station. They currently have 34 stores like this in Wisconsin and just completed one in Ashwaubenon. The current business located at this address, along with several homes, will be razed for the new business. They will comply with the

City's ordinances regarding the sale of alcohol and scanners that automatically check the date of birth for people purchasing alcohol will be in place.

The City Attorney's Office and Police Department had no objection.

A motion was made by Ald. Brunette and seconded by Ald. Boyce to approve the application for a "Class A" Liquor and a Class "A" Beverage License by Krist Oil Company at 1369 E. Mason Street with the approval of proper authorities (postponed from the July 15, 2013 meeting). Motion carried.

5. Request by Ald. Tim De Wane to discuss outdoor fencing at Hagemeister Park, 325 N. Washington, with possible action (referred back from the July 30, 2013 Common Council meeting).

Ald. Tim De Wane stated he brought this item back because he wanted to review audio from past Protection and Welfare and Common Council meetings. He has since reviewed the audios and questioned if the City is liable for people who leave Hagemeister Park with alcohol and enter onto the City Deck. Atty. Decker stated the City would not incur any liability, the liability remains with the property owner. Atty. Decker stated it would be the same as if someone left a tavern on Broadway with a drink and walked out onto the street, the City has no liability, and the property owner would be liable for this action. The same would hold true when a Special Event permit is applied for to hold the event on City property.

A motion was made by Ald. Tim De Wane and seconded by Ald. Brunette to receive and place on file the request by Ald. Tim De Wane to discuss outdoor fencing at Hagemeister Park, 325 N. Washington, with possible action (referred back from the July 30, 2013 Common Council meeting). Motion carried.

6. Request to keep three dogs at 2477 Deckner Avenue (referred back from the July 30, 2013 Common Council meeting).

Atty. Decker stated the City Attorney's Office, Police Department and Department of Public Works recommend denial based on neighborhood complaints of dog waste and behavior of dogs.

Ald. Brunette reported this item was approved at the last meeting with the recommendation the application bring letters of approval from neighbors to the Common Council meeting. At the Common Council meeting Ald. Tom De Wane suggested there were additional nuisance issues that should have been discussed, and he also wanted feedback from Sharon Hensen, the Animal Control Officer.

Capt. Bongle stated that Officer Hensen informed him she would have an animal control intern return to the neighbors to inquire if they had any new concerns; however he did not receive any new information at this time.

Ald. Steuer opened the floor without objection.

Chad Frisque, 2477 Deckner Avenue, stated he is a truck driver and when he returns home he does clean the property as soon as he can. An individual did lean over his fence to pet a dog and was bitten in the process, the individual received payment from his insurance company for her injuries. Mr. Frisque turned in a signed petition of approval from several neighbors.

Ald. Brunette stated that many of Mr. Frisque's neighbors approve of the three dogs, and since Ms. Henson and Ald. Tom De Wane are not present at this meeting to discuss why this item should be denied he will once again approve it.

Ald. Steuer stated he suggested to Chief Moliter that an animal control officer be present at these meetings to help with the decision regarding these items.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to approve the application to keep three dogs at 2477 Deckner Avenue, with the stipulation that upon the death of one of the dogs the applicant must appear back before this Committee for permission to keep more than two dogs (referred back from the July 30, 2013 Common Council meeting). Motion carried.

7. Notice of the change of agent for Champions Sports Bar and Grill at 1007 Tony Canadeo Run.

Atty. Decker stated he was concerned that on the application Mr. Burkel stated he has been a Wisconsin resident for over 40 years; however he has a Florida driver license.

Ald. Steuer opened the floor without objection.

Kevin Burkel, 2620 Dollar Road, appeared and stated although he hasn't applied for a Wisconsin driver license, he has lived in Wisconsin for the last 13 years. He does hold a liquor license for an Ashwaubenon tavern. When questioned if he has resided for more than 90 consecutive days in Wisconsin Mr. Burkel replied that he has.

A suggestion was made that Mr. Burkel apply for a Wisconsin driver license.

A motion was made by Ald. Tim De Wane and seconded by Ald. Boyce to approve the notice of the change of agent for Champions Sports Bar and Grill at 1007 Tony Canadeo Run. Motion carried.

8. Application for a "Class B" Combination License by K. Burkel Inc. at 1007 Tony Canadeo Run. (Transfer from Champions Sports Bar and Grill)

A motion was made by Ald. Brunette and seconded by Ald. De Wane to approve the application for a "Class B" Combination License by K. Burkel Inc. at 1007 Tony Canadeo Run with the approval of proper authorities. (Transfer from Champions Sports Bar and Grill) Motion carried.

9. Application for an available "Class B" Combination License by El Carboncito, Inc. at 1464 University Avenue. (Currently has beer license)

Atty. Decker reported that there is a City ordinance in place that restricts businesses in close proximity to a school from selling alcohol. The Committee at that time determined the location across the street was in fact not a school.

Ald. Kocha appeared and stated there is a Boys and Girls Club across the street that did offer classes through the Green Bay Public Schools; however this did not constitute it as a school. A restaurant had applied to sell liquor and because of the ordinance a decision was reached that in fact it was not a school. She wanted to attend tonight's meeting to see what type of business is applying for the liquor license.

Capt. Bongle stated that in general a restaurant does not need to submit a business plan. The Police Department would consider it a benefit though if they did because some restaurants have a bar attached and occasionally only the bar area is open. Submitting this plan keeps the Police Department informed of how they do plan to run their business. Ald. Tom De Wane stated he would like restaurants to submit a plan as well.

Ald. Steuer opened the floor without objection.

Julia Alvarez, 1739 University Avenue, appeared and stated she submitted a business plan two weeks ago to the Police Department. Capt. Bongle stated he did not receive a copy of this plan but will check with the Community Police Officer to see where they are with this. Ms. Alvarez stated she could bring another copy tomorrow.

Ald. Brunette stated he had concerns because there is an actual school called The John Dewey Academy of Learning located next door to the Boys and Girls Club. He would like the Police Department to discuss with El Carboncito, Inc. how to handle a situation that may occur if students from this school enter their restaurant or parking lot.

Atty. Decker stated he believes the location is 300 feet from 1464 University Avenue.

A motion was made by Ald. Brunette and seconded by Ald. De Wane to approve the application for an available "Class B" Combination License by El Carboncito, Inc. at 1464 University Avenue, contingent upon an approved business plan with

special attention to the proximity of the John Dewey Academy of Learning with the approval of proper authorities. (Currently has beer license) Motion carried.

10. Request by the owners of Brewski's, 1100 S. Broadway, to hold an outdoor event on September 21, 2013 (rain date would be September 22, 2013).

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

Ald. Steuer opened the floor without objection.

Randy Trembl, 1100 S. Broadway, appeared representing Brewski's and stated there will be security in place and a live band will play music from 6:00 p.m. until 9:00 p.m.

A motion was made by Ald. Boyce and seconded by Ald. Brunette to approve the request by the owners of Brewski's, 1100 S. Broadway, to hold an outdoor event on September 21, 2013 (rain date would be September 22, 2013). The approval of the request is subject to complaint. Motion carried.

11. Request by Danny Shandor, owner of Packer Stadium Lounge, to amend Section 33.02(7m) to allow the sale of closed intoxicating liquor in "Class B" establishments.

Atty. Decker stated it was his understanding that misconception occurred based on advice from the City Clerk's office that "Class B" licensees could sell intoxicating liquor in closed bottles for off-premise consumption. There is actually an ordinance in place that forbids the sale of closed liquor in these establishments; therefore the licensee requested an amendment to allow a practice that has been nonexistent for some time. The Committee can either allow it or deny it; the City Attorney's office will defer their opinion to the Police Department.

Capt. Bongle stated that because this ordinance is in existence they thought it was being followed and didn't believe liquor was sold in establishments. Once they became aware liquor was being sold they started to inform business owners of the ordinance. The Police Department would not like to change this ordinance. Individuals do not normally purchase their alcohol from a bar. Typically individuals who purchase it have already been drinking at the bar and the possibility exists that they may continue drinking by consuming the alcohol in their vehicle on their way home.

Ald. Brunette stated it his personal opinion that stricter restrictions regarding alcohol should be in place.

Ald. Steuer opened the floor without objection.

Danny Shandor, 1435 Nelson Street, appeared stated they were recently cited for selling a half-pint of rum to an individual. While walking away from the building an officer decided he appeared suspicious. The bottle of rum was discovered when the individual was searched and he stated he purchased it at Packer Stadium Lounge. Mr. Shandor stated he has sold closed bottles over the counter for 35 years and was shocked when he discovered there was an ordinance prohibiting this. It was his understanding they could sell liquor until 9:00 p.m. When he contacted Atty. Mueller he was informed they cannot sell any unopened liquor. Mr. Shandor stated he then contacted Anita at the City Clerk's office and Capt. Bongle at the Police Department and they indicated they weren't aware of this ordinance either. Mr. Shandor stated he believes every tavern in town sells closed containers of alcohol because they are not aware of this ordinance.

Capt. Bongle was questioned if other taverns have been cited for the same reason. Capt. Bongle replied they were not aware this was happening, it just came to their attention when the suspicious individual was questioned. The officer in question contacted Capt. Bongle to see if this type of sale was allowed. Capt. Bongle replied he didn't believe it was allowed and sought the opinion of the City Attorney's Office. Once it was confirmed that this was against the ordinance, the individual who sold the liquor was cited.

Ald. Brunette stated in order to change an ordinance he would like more proof that other establishments are selling closed containers. He believes it would be easier for the Police Department and City Clerk's Department to inform taverns of the ordinance in place rather than to change the ordinance; therefore he is going to deny this request.

Ald. Kocha stated she also believes this request should be denied as there are already enough places to purchase alcohol.

A motion was made by Ald. Brunette and seconded by Ald. Boyce to deny the request by Danny Shandor, owner of Packer Stadium Lounge, to amend Section 33.02(7m) to allow the sale of closed intoxicating liquor in "Class B" establishments. Motion carried.

12. Request by Ald. Tom De Wane to discuss with possible action the sale of liquor in taverns.

Atty. Decker stated he was contacted by Ald. Tom De Wane who reported he put in this request on the behalf of a constituent; however he asked that he forward to the Committee that he would like this item denied because he does not support allowing the sale of closed bottles of liquor in "Class B" establishment.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to receive and place on file the request by Ald. Tom De Wane to discuss with possible action the sale of liquor in taverns. Motion carried.

13. Appeal by Uwayzo Williams, Sr. to the denial of his Public Vehicle Operator License application.

Atty. Decker stated the City Attorney's Office recommends denial based on the applicants conviction record. In 1995 he received a misdemeanor conviction for driving without a license; in 1999 and 2000 there were municipal convictions for operating a vehicle without a license; in 2003 a civil violation for issuing worthless checks; in 2004 a misdemeanor criminal conviction for issuing worthless checks, a conviction in 2006 for non-registration of a vehicle, and in 2007 a criminal disorderly conduct charge. There are no felony convictions. It is up to the Committee to determine if these convictions substantially relate to the license activity.

Ald. Steuer opened the floor without objection.

Uwayzo Williams, Sr., 301 Mather St. #210, appeared and stated the charges occurred when he was young and didn't have a direction in life. He was hanging out with the wrong crowd and made poor decisions. Mr. Williams stated he is currently living in the NEW Community Shelter and handed over a letter of recommendation from his case manager. He attends AA meetings on his own violation and has been sober for 10 years.

Robert Hollberger, 2304 Serenade Lane, Allouez, appeared and stated he met Mr. Williams a year ago at an AA meeting and became his sponsor. He states Mr. Williams has grown into a responsible individual.

Marcy Daily, 301 Mather Street, appeared and stated she has witnessed Mr. Williams' improvement in growth and that he is a very good person.

Note: The audio recorder stopped functioning at this point.

A motion was made by Ald. Tim De Wane and seconded by Ald. Boyce to approve the appeal by Uwayzo Williams, Sr. to the denial of his Public Vehicle Operator License application. Motion carried, with Ald. Brunette voting no.

14. Appeal by Amber Kasee to the denial of her Operator License application.

Atty. Decker states the City Attorney's Office recommends denial based on Ms. Kasee's 15 convictions in a 10 year period. Three felonies conviction include two counts of recklessly endangering safety and one count of hit and run causing great bodily harm. Nine misdemeanors charges include obstructing an officer, operating while intoxicated causing injury, three counts of battery, two counts of

disorderly conduct, bail jumping, and negligent operation of a motor vehicle. There were also three non-criminal offences of issuing worthless checks and two counts of disorderly conduct.

Ald. Steuer opened the floor without objection.

Amber Kasee, W1251 Hattee Lane, De Pere, appeared and claimed she was either defending herself or other people when she received nearly all of these charges. Ms. Kasee stated that in 2006 she started drinking after she finished her bartending shift at Boston's and decided to go to Wallaby's near highways 41 and 29 where she came upon a disturbance, and that is where she received four of the charges. Her first offer to plead to was 25 years, the next offer was for 15 years, but the judge only sentenced her to 4 years.

Ald. Brunette stated that it is the responsibility of this Committee to protect the welfare of the community and not necessarily a reflection of Ms. Kasee's actions.

A motion was made by Ald. Brunette and seconded by Ald. Boyce to deny the appeal by Amber Kasee to the denial of her Operator License application. Motion carried with Ald. Steuer voting no.

15. Request by Ald. Boyce for a review of the City's response to unauthorized fireworks displays.

Ald. Boyce stated in the past three years only 15 citations for fireworks were issued. Based on his observations and on constituents complaints there are significantly more people using illegal fireworks than that.

Ald. Brunette excused himself to attend the Plan Commission meeting.

Atty. Decker stated the Common Council adopted the State law and enacted an ordinance regarding fireworks. The executive branch still needs to determine how to prioritize its resources. In this case, the Police Department must decide how many of its resources to dedicate regarding unauthorized displays, based on call volume and priority of calls, around the 4th of July. The Legislative Branch has enacted the law; however it cannot directly control how the executive branch enforces those particular laws.

Capt. Bongle stated that the Police Department is very busy responding to calls regarding alcohol related incidents, domestic violence and crowd control during the 4th of July holiday. The sheer volume and high priority of these calls makes it very difficult to allocate resources to control the possession of unauthorized firework.

Ald. Boyce inquired what would happen if the use of unauthorized fireworks increased tenfold next year. Capt. Bongle responded that the Police Department may change their priorities if this occurs.

Ald. Kocha expressed her appreciation to Ald. Boyce for bringing up this topic and stated she also did so when she first became an Alderperson. She was informed at that time, by then Police Chief Jim Arts, that the Mayor didn't want firework laws enforced because the public enjoyed using them. Ald. Kocha stated if the City enacts further restrictions at the point of sale they could become a leader in the community and perhaps neighboring villages and towns would follow suit.

Ald. Brunette returned to the meeting.

Ald. Tom De Wane inquired if this item could be referred to staff to research this topic and return to the Committee with a detailed explanation of the current law and what options the City has to pass ordinances regarding fireworks.

Ald. Brunette stated he would abstain from a motion on this item as he missed most of the discussion because he was in another meeting.

A motion was made by Ald. Tim De Wane and seconded by Ald. Boyce to refer to staff the request by Ald. Boyce for a review of the City's response to unauthorized fireworks displays. Motion carried.

16. Request by Ald. Steuer for a resolution regarding homelessness and the HOPE Task Force.

Ald. Steuer stated that he chairs the Homelessness Obligates Planning Efforts Force (HOPE). They have been working on homeless issues for the last seven months; from these efforts they created a resolution. They will continue to work with other municipalities throughout Brown County.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to approve the request by Ald. Steuer for a resolution regarding homelessness and the HOPE Task Force. Motion carried.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to adjourn the meeting at 7:19 p.m. Motion carried.

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