

**MINUTES**  
**PROTECTION & WELFARE COMMITTEE**  
**Monday, October 7, 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, Greg Flisram  
– Director of Economic Development 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. Boyce and seconded by Ald. Brunette to approve the agenda. Motion carried.

3. Approval of the minutes from the September 9, 2013 meeting.

A motion was made by Ald. Tim De Wane and seconded by Ald. Brunette to approve the minutes from the September 9, 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 (referred back from the August 20, 2013 Common Council meeting).

Atty. Mueller stated there are zoning issues that still need resolving. The address is currently zoned as residential and would have to be changed to commercial zoning for the gas station and liquor store.

Ald. Steuer opened the floor without objection.

Robert Johnson, (address intelligible) Iron River, Michigan, appeared and stated he is here on behalf of his Aunt who was sent a notice of this meeting. It is Mr. Johnson understanding that Krist Oil would like to have a liquor license in place before committing to building the gas station/convenience store.

Atty. Mueller stated it appears that this item was approved at the last meeting; however it was referred back from the Common Council meeting.

Ald. Tim De Wane stated he spoke with the Director of Planning who informed him that the Krist Oil's building plan isn't currently in compliance with the C2 Zoning requirements. Ald. Tim De Wane also discovered that a traffic analysis wasn't completed and that a Neighborhood Association has expressed their concerns to him regarding this convenience store.

Mr. Johnson stated he will bring these concerns to his boss.

Bobbi Lison, 1247 Lawe Street, President of the Astor East River Neighborhood Association, appeared and stated the Association is not in support of another gas station/convenience store. A visioning session for the five neighborhoods was held and this construction of this business was never mentioned. There already are four similar businesses located within a one-mile stretch of the East Mason corridor that off similar products including tobacco and alcohol. This address is currently considered a nuisance property; however it is in a prime location and has the ability to attract a more suitable business for the neighborhood once the economy improves. Ms. Lison also stated that businesses such as this are often victims of robberies and they don't need an increase in crime in this neighborhood. Ms. Lison read a letter from another member of the association who also indicated they were not in support of this business. They would support a business that would provide entertainment for the whole family.

Discussion that followed focused on the location, zoning issues and traffic flow patterns.

Atty. Mueller stated it is his understanding that Krist Oil wanted to ensure they will receive a liquor license prior to building. The City has the ability to grant a license and hold it until the zoning issues are resolved; however doing this would also hold up issuing an available liquor license to someone else. Atty. Mueller advised that the Committee hold this item until the zoning issues are resolved.

Ald. Brunette stated that a public hearing by the Plan Commission should be held to address concerns of area residents before issuing a liquor license.

A motion was made by Ald. Tim De Wane and seconded by Ald. Brunette to postpone the application for a "Class A" Liquor and a Class "A" Beverage License by Krist Oil Company at 1369 E. Mason Street until the zoning issues are resolved (referred back from the August 20, 2013 Common Council meeting). Motion carried.

5. Application for one of three available "Class B" Combination licenses by Wiskey and Women Inc. at 225 E. Walnut.

Atty. Mueller stated that Economic Development and the Police Department had concerns and the City Attorney's office would defer to their decision regarding this application.

Ald. Steuer opened the floor without objection.

Greg Flisram, Director of Economic Development, appeared and stated the City appreciates individuals who want to open new businesses downtown; however he has concerns with this one. The City has been working on a redevelopment project for the Schauer and Schumacher building. It is their vision to have top market retail on the bottom floor and high-end apartments or condominiums on the upper level. They are close to sealing the deal but have concerns that having a tavern next door make cause problems. It doesn't appear that any improvements or renovations at this address are planned in conjunction with the liquor license. Mr. Flisram stated he is not opposed to alcohol being served if the business was a restaurant; it's just that another tavern isn't needed.

Capt. Runge stated that the Police Department feels there are already enough taverns in the downtown location that consume a large amount of policing. The applicant states he is thinking about eventually putting a grill into the tavern, but that has been said before and food has never been served.

Atty. Mueller stated he had some additional questions for the applicant who did not appear at the meeting. Ald. Brunette stated the applicant followed through with everything the City requires of them and just because they didn't show up at tonight's meeting we shouldn't deny them, there may be a reason they aren't here tonight. He would like to hold this item in order to give the applicant a chance to speak before the full City Council.

A motion was made by Ald. Tim De Wane and seconded by Ald. Brunette to postpone until the next meeting the application for one of three available "Class B" Combination licenses by Wiskey and Women Inc. at 225 E. Walnut. Motion carried.

6. Request by Ald. Steuer for a resolution regarding homelessness and the HOPE Task Force (referred back from the September 17, 2013 Common Council meeting).

Ald. Steuer reported that this resolution passed unanimously at the August 20 Council; however at the September 17 Common Council meeting it was referred back to the Protection & Welfare Committee for additional changes.

Ald. Brunette stated that paragraph three of the resolution should be clarified regarding the \$25 million of tax payer money especially since Brown County provides more than just mental health and substance abuse services to the homeless.

Ald. Steuer opened the floor without objection.

Joe Prosser, 2577 Wildflower Row, appeared and stated he is a member of the HOPE Task Force. As a member of the community he finds it disheartening that the last paragraph of the resolution was struck out that stated the Mayor, City Council and City staff will actively support HOPE in its efforts to assist homeless individuals and would like to see that paragraph put back into the resolution.

Ald. Brunette stated that he would like to approve the original August 20th draft resolution with changes to the ninth paragraph to include that Hope will also work with the Brown County Government and its Health and Human Services Department. He would like to incorporate Brown County in these issues and give a vote of confidence in the HOPE Task Force.

Ald. Steuer stated that there are amazing professionals giving their time by working on this issue.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to approve the August 20<sup>th</sup> version with revisions as stated, regarding the request by Ald. Steuer for a resolution regarding homelessness and the HOPE Task Force (referred back from the September 17, 2013 Common Council meeting). Motion carried.

7. Application to keep three dogs at 1124 Lark Street.

Atty. Mueller stated the application has been approved by the Humane Officer, Police Department and Inspections Department; therefore the City Attorney's Office has no objections.

Nobody appeared for this item.

A motion was made by Ald. Tim De Wane and seconded by Ald. Brunette to approve the application to keep three dogs at 1124 Lark Street, 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. Motion carried.

8. Application to keep three dogs at 1268 Vanderbraak Street.

Atty. Mueller stated the application has been approved by the Humane Officer, Police Department and Inspections Department; therefore the City Attorney's Office has no objections.

Ald. Steuer opened the floor without objection.

Ted and Mary Francois, 1268 Vanderbraak Street, appeared and stated there haven't been any issues with their neighbors regarding the dogs. They do have

a privacy fence. One of the dogs is older and isn't expected to live that much longer.

A motion was made by Ald. Tim De Wane and seconded by Ald. Brunette to approve the application to keep three dogs at 1268 Vanderbraak Street, 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. Motion carried.

9. Application to keep three dogs at 2946 Emmalane Drive.

Atty. Mueller stated that he was contacted this morning by the daughter of the applicants and due to an emergency they are unable to attend tonight's meeting.

Atty. Mueller stated the application has been approved by the Humane Officer, Police Department and Inspections Department; therefore the City Attorney's Office has no objections.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to approve the application to keep three dogs at 2946 Emmalane Drive, 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. Motion carried.

10. Appeal by Scott Van Roy to the denial of his Public Vehicle Operator License application.

Atty. Mueller stated the applicant was denied based on his arrest and conviction record. In 2009 the applicant received a misdemeanor for resisting or obstructing an officer; 2005 he received a felony for his fifth OWI at which time he had a passenger under the age of 16 in the vehicle; a fourth OWI in 2004 along with two charges of following too closely; and two more misdemeanor OWI charges in 2001 and 1996. Based on these charges the City Attorney's Office recommends denial.

Capt. Runge stated that the Police Department also recommend denial and stated there are many other violations not mentioned by Atty. Mueller which include many probation violations which reflects that Mr. Van Roy doesn't follow the law.

Ald. Steuer opened the floor without objection.

Scott Van Roy, 908 Day Street, Apartment 3, appeared and stated he has had multiple OWI's with his last one in 2004. He was sentenced to prison and attended a 13-month long program dealing with his alcohol, drug and mental health issues. He didn't like being on probation and that's why he broke the

rules. He has changed as he has matured. Mr. Van Roy brought in three letters of support from his neighbors as well as from Paul's Pantry. He also turned in a copy of his complete arrest history dated back to when he was 17. He regrets having his minor-aged daughter in his vehicle with him the last time he was arrested for an OWI, and he deeply regrets risking the life of his child. He has used a lot of bad judgment in the past and has since complied with the law. He has also completed an eight-month intense treatment at the Brown County Health Department that he has paid for with his own money as a condition to get back his driver license. He no longer drinks like he used to. He has had a license for a year now with no violations. He was formerly employed with a cab company and was told if he is approved tonight he could start working for another cab company immediately. He is getting involved in his community and can make Green Bay a better place for its citizens.

Ald. Steuer inquired of Atty. Mueller if all the treatment that Mr. Van Roy has been through would qualify him for an operator license. Atty. Mueller stated that attending training is a positive step in the right direction of getting your life together; however it does not change his mind that denial is the choice here especially since Mr. Van Roy did receive a felony for the fifth OWI charge.

Ald. Steuer stated that this Committee looks for a pattern of criminal behavior of the appellant. Mr. Van Roy stated that he purposely didn't follow through with probation conditions and this makes him uncomfortable.

Michelle (last name intelligible), 908 Day Street, appeared and stated she is Mr. Van Roy's girlfriend. She stated Mr. Van Roy no longer hangs out in bars and will have an occasional beer while watching a football game.

Mr. Van Roy stated the concealed weapon charge was for having a knife attached to his belt. The obstruction of an officer charge happened when he didn't take his medication.

Capt. Runge stated that nothing Mr. Van Roy said here tonight about changing his lifestyle will convince him to approve his application to drive a cab.

Ald. Steuer stated that it is the Committee's duty to look after the welfare of the citizens of Green Bay and although he feels that Mr. Van Roy is trying to change his life around he wouldn't feel comfortable allowing him a license.

Mr. Van Roy stated there has been a past pattern of OWI in his past; he stopped that pattern eight years ago.

Ald. Brunette stated that he can't support approving a license today. Mr. Van Roy has received five OWI convictions, he wonders how many times he drove drunk without being caught.

A motion was made by Ald. Brunette and seconded by Ald. Boyce to deny the appeal by Scott Van Roy to the denial of his Public Vehicle Operator License application. Motion carried, with Ald. Tim De Wane voting no.

A motion was made by Ald. Tim De Wane and seconded by Ald. Brunette to adjourn the meeting at 6:20 p.m. Motion carried.

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