

MINUTES
PROTECTION & WELFARE COMMITTEE
Monday, January 27, 2014
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, Ald. Sladek,
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. Motion carried.

3. Approval of the minutes from the January 13, 2014 meeting.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to approve the minutes from the January 13, 2013 meeting. Motion carried.

4. Application for a "Class B" Combination License by Bullseye 708 LLC at 708 Bodart. (Transfer from Phase II, Inc.)

There were no objections from the City Attorney's Office or the Green Bay Police Department (GBPD).

Ald. Steuer opened the floor without objection.

Leslie Conard, 708 Bodart, appeared and stated the business will be run somewhat similar to Jake's Pizza.

A motion was made by Ald. Brunette and seconded by Ald. Boyce to approve the application for a "Class B" Combination License by Bullseye 708 LLC at 708 Bodart with the approval of the proper authorities. (Transfer from Phase II, Inc.) Motion carried.

5. Request by the City Attorney's Office to amend Green Bay Municipal Code Section 27.603(2), relating to the discharge of bows and crossbows within city limits for hunting purposes (referred back from the January 21, 2014 Common Council meeting).

Atty. Mueller stated that this ordinance was amended to come into compliance with a State law that was recently enacted and it was brought back to this Committee due to concerns that Ald. Sladek had.

Ald. Sladek appeared and stated Atty. Mueller informed him that enacting this ordinance will have no affect on the City's ability to control hunting on lands owned by the Oneida Tribe. Atty. Mueller replied that for the record this is correct. Ald. Sladek stated his concerns have been met and he approves the ordinance as worded.

A motion was made by Ald. Brunette and seconded by Ald. Boyce to approve the amendment to Green Bay Municipal Code Section 27.603(2), relating to the discharge of bows and crossbows within city limits for hunting purposes (referred back from the January 21, 2014 Common Council meeting). Motion carried.

6. Appeal by KB Properties, LLP to the chronic nuisance citation issued at 718-720 Bodart (postponed from the December 9, 2013 and January 13, 2014 meetings).

Atty. Mueller recommends denial and stated the GBPD will have the details on the incident that creating the billing. Atty. Mueller clarified that under our Chronic Nuisance Ordinance a property can be deemed a chronic nuisance if it has three qualifying calls regarding different police issues. Once a fourth call regarding that property is responded to by the Green Bay Police Department (GBPD) the cost of the service can be billed to the property owner; that property owner has the right to appeal the charges. Atty. Mueller stated that this property is a tavern.

Capt. Runge stated that this property has a lengthy history of disturbances that included current and previous owners. Capt. Runge gave a quick synopsis and stated the GBPD responded to a call on October 27, 2011 for 15 individuals fighting, 9 arrests were made. March 2, 2012 GBPD responded to a disturbance call, 2 females were arrested. March 25, 2012 one male was arrested for fighting with bouncers and 2 citations were issued. March 25, 2012 a disturbance call was received for 2 females fighting, 2 citations were issued. April 26, 2012 a parked car was damaged, 5 citations were issued including an OWI. May 12, 2013 GBPD responded to a call to assist when several males wouldn't leave at closing time, citations were issued. July 5, 2013 GBPD responded to a disturbance call that stated several people were armed with knives, 3 arrests were made. July 26, 2013 two individuals were arrested for drugs and drugs were confiscated behind the building. August 2, 2013 two citations were issued, including one for a female with fake identification. August 9, 2013 there were reports of shots fired, when GBPD arrived on scene 10 shells casing were found, along with 2 bullets in car. One individual was shot in the hand, no arrests were made.

Capt. Runge stated that he and Officer Van Handel met with the property owners on August 13, 2012 to discuss the problems occurring at this address and felt

that they were reluctant to take abatement action stating they had a lease in place and didn't feel they had cause to take action against the individual leasing the building. On August 27, 2012 an abatement meeting took place and an abatement plan was signed. The liquor license was suspended and there was a down-time period for the bar. In 2013, shortly after the bar reopened, a large disturbance occurred with at least 15 individuals fighting in the street; approximately 10 to 12 squad cars responded. This is the disturbance which created the chronic nuisance charge. Atty. Mueller confirmed the actual property owner, not the license holder, was billed.

Ald. Boyce reported he has been going to observe this property for several weeks now and stated the owners are trying very hard to clean it up and have a new security system in place.

Capt. Runge stated the current license holder was under an abatement plan in 2006 and has an 8-year track record of disturbances at this property which he tends to clear up for a short period of time then seems to allow them to happen again.

Ald. Steuer opened the floor without objection.

Daniel Bain, 808 Derby Lane, appeared and stated he is a partner in the property and reported he would meet with the police upon their requests. Mr. Bain stated he thought the license holder was complying and there weren't any more disturbances on the property until they received this charge. As property owners they have complied with the GBPD requests by installing better lighting and signing up for the email notifications. It is his understanding the license holder happened to be out of town when this last disturbance occurred, but was complying with the police.

Ald. Steuer stated that this Committee believes in giving second chances; however, it looks like this license holder has been given many chances to change and hasn't taken the opportunity to do so.

Atty. Mueller stated he and Mayor Schmitt met with Mr. Bain and his business partner and the impression he received was that Mr. Bain would not move forward with the tenant. Atty. Mueller inquired if Mr. Bain agrees with his assessment, or if he and the Mayor misunderstood their intentions. Mr. Bain replied that the tenant is on a month-to-month lease which can be terminated at any time. Atty. Mueller stated that by 2012 there were already 7 to 8 serious incidents at this address and now there is another very serious one.

Vincente Hernandez, 718 Bodart Street, appeared and stated he is the license holder at this property. Mr. Hernandez stated that he feels he wasn't even given a chance in 2006 to prove himself when he opened this business, the GBPD were on him right away with an abatement plan. He tried to build the business

up by changing it from a Latino dance club to American Top 40's and then to a rhythm and blues and a hip hop bar mix. When he turned to hip hop that's when the troubles began, like they did for a lot of bars in town that turned to hip hop music. Mr. Hernandez went over the number of GBPD phone calls he had and stated that in 2014 there haven't been any calls. In 2013 there were 23 calls, 45 calls in 2012 and 15 calls in 2011. Mr. Hernandez stated the last incident happened when someone was asked to leave the bar and they flagged down a passing patrol car, other people who were outside were afraid they would be arrested so they started obstructing the officers that pulled over. Mr. Hernandez stated that his calls dropped a lot in 2013 from 2012.

Capt. Runge stated that Mr. Hernandez is responsible for his patrons, even when they are outside the property. Capt. Runge read some a statement from an employee who works at a tavern down the street from this property. "On October 20, 2013 I was working at Phase II when I saw 10-15 people at closing time fighting in the street. There were 3-4 bouncers trying to break it up when the GBPD arrived on the scene. I thought the crowd would break up, instead they started going after the officers on scene and even more people started joining the fight. This is not a typical bar disturbance. This is intolerable."

Ald. Steuer agreed this disturbance got out of hand and citizens as well as the GBPD were at jeopardy and this behavior is not acceptable.

Atty. Mueller stated that it is the Committee's decision tonight to either hold the building owner accountable for the business that he rents to or have the taxpayers pick up the cost of this disturbance. If the Committee feels comfortable in dropping this bill, then the Community and the tax payer will pick up the bill.

Ald. Brunette stated the tax payers shouldn't be funding this type of police work, especially when they are jeopardizing their own safety.

Mr. Hernandez stated that it was only one guy throwing punches, not a group of people.

Ald. Steuer stated that it can become very expensive when the GBPD has to keep responding to calls for assistance to the same business over a period of time and it shouldn't be the tax payer's responsibility to pay for these costs.

Ald. Boyce inquired if the staff at this establishment could approach and inform the Committee of their support of the establishment and how they are making changes. Mr. Hernandez introduced staff members to the Committee and stated they have been employed with him for awhile.

Ald. Steuer inquired if Mr. Hernandez felt he wasn't responsible for the bill. Mr. Hernandez stated he associates that he would be pleading guilty to these

incidents if he paid the bill. Atty. Mueller reminded everyone that Mr. Hernandez didn't receive the bill, the property owner did and however it gets paid would be a private issue between them.

Ald. Steuer returned to regular business.

Ald. Boyce stated this was a hard decision to make but they owner has to take accountability.

A motion was made by Ald. Boyce and seconded by Ald. Tim De Wane to deny the appeal by KB Properties, LLP to the chronic nuisance citation issued at 718-720 Bodart (postponed from the December 9, 2013 and January 13, 2014 meetings). Motion carried.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to adjourn the meeting at 5:40 p.m. Motion carried.

:dmo