

MINUTES
PROTECTION & WELFARE COMMITTEE
Monday, August 25, 2014
City Hall, Room 207
5:00 p.m.

MEMBERS PRESENT: Ald. Wery, Ald. Tim De Wane, Ald. Steuer, and Ald. Scannell
MEMBERS EXCUSED: None
MEMBERS ABSENT: None
OTHERS PRESENT: Jim Mueller-Acting City Attorney, Patrick Leigl-Asst. City Attorney, Capt. Bongle, and other interested parties.

1. Roll Call.

Ald. Wery, Ald. Tim De Wane, Ald. Steuer and Ald. Scannell were present.

2. Approval of the Agenda.

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

3. Request by Ald. Moore to amend the Green Bay Municipal Code §8.08 to limit the number of dogs permitted in residential neighborhoods (postponed from the July 28, 2014 meeting).

Atty. Mueller stated that Ald. Moore contacted the City Attorney's Office to amend the dog licensing ordinance regarding puppy dealing. The ordinance allows two dogs on the premise and puppies for up to eight weeks old, including the mother, before they go over the dog allowance. This amendment would be for individuals that are basically selling puppies that weren't born on the premises, they get the animals for free and then sell them. The State mandates if you sell more than 25 dogs per year you must be licensed; however if it's under 25 the State doesn't enforce this law. Basically what the amendment is going to add is that the mother must be on site with the puppies.

Ald. Moore stated by amending the ordinance to state that the mother must be on site regulates people from running puppy mills out of their homes with puppies that weren't born in their home.

Humane Officer Sharon Hensen stated that there was one individual she was dealing with that was bringing in 64 dogs every week that sold within four to five hours. Ms. Hensen reported she was able to close them down before kennels were even set up. These puppies aren't getting their necessary shots and are living in unsanitary conditions inside and outside of these homes. There is another individual she has been dealing with for nine years who has been selling puppies. Some of these individuals get the puppies for free off of Craig's List and then turn around and sell them.

A motion was made by Ald. Tim De Wane and seconded by Ald. Steuer to approve the request by Ald. Moore to amend the Green Bay Municipal Code

§8.08 to limit the number of dogs permitted in residential neighborhoods (postponed from the July 28, 2014 meeting). Motion carried.

4. Approval of the minutes from the July 28, 2014 meeting.

A motion was made by Ald. Tim De Wane and seconded by Ald. Scannell to approve the minutes from the July 28, 2014 meeting. Motion carried.

5. Application for a "Class C" Wine and a Class "B" Beverage License by WM Enterprises, LLC at 1212 Marine Street. (Transfer from Sandra's Cafe, LLC)

Atty. Leigl stated the City Attorney's Office didn't have any objections; however the surrender form had the address of 1896 Golden Bell Drive, not 1212 Marine Street, they need the proper address on that form.

Walter Melgar, 3083 Finger Road, appeared and stated that is the home address of the current license holder, Sandra Vieau, and stated the 1212 Marine Street would be the correct address.

Atty. Leigl stated the City Attorney's Office will not object to this license contingent upon a new surrender form being submitted with the correct business address of the license.

Capt. Bongle stated there were no objections by the Green Bay Police Department (GBPD).

A motion was made by Ald. Steuer and seconded by Ald. Tim De Wane to approve the application, contingent upon submittal of a corrected surrender form, for a "Class C" Wine and a Class "B" Beverage License by WM Enterprises, LLC at 1212 Marine Street with the approval of the proper authorities. (Transfer from Sandra's Cafe, LLC) Motion carried.

6. Application for a "Class B" Combination License by Neumritz, Inc. at 1106 Main Street. (Changing from individual to corporation.)

There were no objections by the City Attorney's Office or the GBPD.

A motion was made by Ald. Steuer and seconded by Ald. Scannell to approve the application for a "Class B" Combination License by Neumritz, Inc. at 1106 Main Street with the approval of the proper authorities. (Changing from individual to corporation.) Motion carried.

7. Application for a "Class "B" Combination License by El Patron Entertainment, LLC at 1464 University Avenue. (Transfer from El Carboncito, LLC)

There were no objections by the City Attorney's Office.

Capt. Bongle stated the GBPD recommends postponing this item until the next meeting because they have not received a business plan from the applicant.

A female from the audience approached (name and address unintelligible) and stated she was here to interpret for Jose Sanchez the applicant. She said that they tried contacting the officers by phone and email, but were unsuccessful. She then contacted Anita in the Clerk's office who told her to attend this meeting with the security plan.

Capt. Bongle stated he would give her the name and number of the GBPD Captain she needs to contact.

Ald. Wery stated they have two weeks to get the plan approved before City Council meets.

A motion was made by Ald. Scannell and seconded by Ald. Tim De Wane to approve the application, contingent upon an approved security plan, for a "Class "B" Combination License by El Patron Entertainment, LLC at 1464 University Avenue with the approval of the proper authorities. (Transfer from El Carboncito, LLC) Motion carried.

8. Application for one of ten available "Class B" Combination License by Amanda Patterson at 154 N. Broadway. (Currently has beer and wine)

There were no objections by the City Attorney's Office or the GBPD.

A motion was made by Ald. Scannell and seconded by Ald. Steuer to approve the application for one of ten available "Class B" Combination License by Amanda Patterson at 154 N. Broadway with the approval of the proper authorities. (Currently has beer and wine) Motion carried.

9. Application for a Class "A" Beverage License by LTB Shell, LLC at 510 S. Monroe Avenue.

Atty. Leigl stated it is the opinion of the City Attorney's Office that this gas station is located within 300' of a school and according to City Ordinance (§33.08) a liquor license cannot be allowed within 300" of a school, therefore they are recommending denial like they have done in the past.

Ald. Steuer inquired if other businesses within 300' of schools are able to sell liquor. Atty. Mueller stated there may be but these businesses would have been grandfathered in before the ordinance was created.

Ald. Wery opened the floor without objection.

Ryan Baenen, appeared and stated he is the manager of the downtown Shell. Mr. Baenen stated they don't have any underage selling violations, which proves they're responsible. They will obey all regulations related to the sale of alcohol and will attend the Wisconsin Responsible Beverage Seller classes. This will increase profits for the business and the City will benefit from the taxes they pay.

Ald. Scannell stated he was unaware of this ordinance and would like to look into the reason it was amended for schools.

Tracy Simmons, appeared and stated she is an employee at the Shell. Ms. Simmons stated that the owners are good, responsible business owners who are already losing money with the Monroe Street closure. Ms. Simmons asked the Committee look into changing this ordinance because the owners are being punished for something that may occur by selling alcohol near a school.

Ald. Steuer stated if they revisit this ordinance they would have to include all businesses located near schools, and add into consideration violations these businesses may have had.

Atty. Mueller recommended an Alderperson submit a communication regarding this at the next Council meeting.

A motion was made by Ald. Scannell and seconded by Ald. Steuer to hold the application for a Class "A" Beverage License by LTB Shell, LLC at 510 S. Monroe Avenue. Motion carried.

10. Notice of the change of agent for Kwik Trip, Inc. at 1712 E. Mason Street.

There were no objections by the City Attorney's Office or the GBPD.

A motion was made by Ald. Steuer and seconded by Ald. Scannell to approve the notice of the change of agent for Kwik Trip, Inc. at 1712 E. Mason Street. Motion carried.

11. Request by the owners of Stadium View Bar & Grill, 1963 Holmgren Way, to allow music until 11:00 P.M. on October 3 and 4.

Atty. Leigl stated the City Attorney's Office didn't have any objections and wanted to inform the Committee that if approved, the license will be extended to include the parking lot.

Capt. Bongle clarified that the bar address is actually in Ashwaubenon, while the parking lot is in the city limits of Green Bay so they will always need to approach two Committee's for permission.

Ald. Wery opened the floor without objection.

Kelly Hewitt, (address unintelligible), appeared and stated she has worked at the Stadium View for 19 years. She stated the music will end at 10:45 p.m. on Friday and 10:30 p.m. on Saturday; however they're asking for 11:00 p.m. if those times would happen to run over.

A motion was made by Ald. Tim De Wane and seconded by Ald. Scannell to approve the request by the owners of Stadium View Bar & Grill, 1963 Holmgren Way, to allow music until 11:00 P.M. on October 3 and 4. The approval of the request is subject to complaint. Motion carried.

12. Request by the owner of the Next Stop Bar & Grill, 1610 Cass Street, to hold an outdoor event on September 13. The Common Council has granted final authority to the Protection and Welfare Committee.

Atty. Leigl stated the City Attorney's Office doesn't have any objections; however he would like to get more information on where they are seeking to expand the license, and if fencing and security will be put into place.

Ald. Wery opened the floor without objection.

Dawn Van Pay, 1429 Harvey Street, appeared and stated they are holding a benefit for cancer from 1:00 p.m. to 6:00 p.m. The back of the building is fenced in and will be used for patron smoking and overflow. Security will be checking for identification and there will not be any music played. The front portion of the building will also be fenced in.

A motion was made by Ald. Tim De Wane and seconded by Ald. Scannell to approve the request by the owner of the Next Stop Bar & Grill, 1610 Cass Street, to hold an outdoor event on September 13. The approval of the request is subject to complaint. Motion carried.

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

Ald. Steuer inquired if locations with over 50 calls for service should be of concern. Capt. Bongle stated those numbers just represent calls for service. There could be a reasonable explanation for these calls such as thefts at Walmart, or traffic accidents continually happening near a certain address.

Capt. Bongle explained that the Chronic Nuisance Active and Billing Addresses report contains mostly residential addresses, a standard of looking at the nature of calls versus volume is applied when reviewing these reports. Active and billing is a status achieved due to a disproportionate amount of police calls regarding serious situations to the same location. If it meets the chronic nuisance criteria it means that numerous serious issues have occurred that have not been addressed by the property owner. A date under the plan signed column indicates that the GBPD has met with manager or property owner and a plan of action has been agreed upon. If the same activity continues, then it moves into the billing process.

Capt. Bongle explained the Total Calls to Addresses with Liquor Licenses report as raw data. If there is a large number of calls to a certain address the Community Service Interns (CSI), crime analysts and District Captains scrutinize the businesses to make a determination if further steps are needed. They inform the City Attorney's Office of what is occurring at the address and work with them and business owners for some type of solution.

Capt. Bongle stated that some of the calls that don't merit a written report would include a woman informing the GBPD her boyfriend is harassing her through text

messages, or an individual called them because they weren't being served anymore so they called to complain. They would also look to see if the business employees were any way involved in disturbance calls. Capt. Bongle repeated that this report isn't strictly based on taverns, there are also businesses listed that include gas stations, retail businesses and hotels.

Atty. Mueller stated the City Attorney's Office also reviews these reports. They noticed a lot of GPBD resources were being used responding to the high number of retail theft calls at Walmart. They then developed a program and produced standard forms for their security staff to use and once a week a police officer would review them and write citations when needed. This has saved the GBPD resources to be used elsewhere.

Atty. Mueller stated when they review the reports and see that a business has numerous calls involving violence, weapons, large brawls that are taken out into the street, they have a procedure in place to work with the GBPD and business to resolve these issues. When it can't be resolved, then the issue is brought to this Committee to hold a quasi-judicial hearing.

Ald. Wery stated that Stir-Ups seemed to have a large number of repeated serious issues on this report and would like information on what actions are being taken to resolve these issues.

A motion was made by Ald. Tim De Wane and seconded by Ald. Steuer 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. Wery to review, with possible action, the following recent downtown disturbances related to liquor licenses:
 - a) Request number and type of police calls for downtown BID licenses from the past two years.
 - b) Issue warning letters or take further corrective measures as appropriate.

Ald. Wery stated that Part A was already discussed in item number 13.

Atty. Mueller stated that he and Capt. Runge met with the managers of Stir-Ups, Kittner's, and the Nines to discuss the problems occurring there and what the City expects of them. The discussion included maintaining crowd control, over-serving of alcohol, security staff wearing clothing that identifies them as security, policy and procedure manual in place and discussed with staff, copies of employee certificates of training turned over to the City Attorney's Office and voluntarily signing a stipulation to this effect. Atty. Mueller stated he also met with the attorneys for Stir-Ups and the Nines regarding the plan and stipulation the City wants to put in place.

Atty. Mueller stated they try to work with businesses to resolve the issues that are occurring. If a business does not comply with the City's expectations then the City will ask them to sign a stipulation for a voluntary suspension of the

license. If they refuse and disturbances continue then the issue will come before this Committee and Common Council for a final resolution.

Ald. Scannell stated he would also like businesses to clean up the litter left outside the business after the bar closes.

Discussion included sending a business a warning letter and placing a copy in their file.

A motion was made by Ald. Wery and seconded by Ald. Scannell to have the City Attorney's Office draft a warning letter for the bars on the 100 block of South Washington. Motion carried.

15. Appeal by Rick Andrus to the denial of his Operator License application.

Atty. Leigl stated the City Attorney's Office recommends denial based on the applicant's arrest and conviction record which substantially relates to the licensed activity. The applicant has multiple felony convictions.

Capt. Bongle reported that he reviewed Mr. Andrus record and stated that most of the GBPD contacts with Mr. Andrus were alcohol related disturbances. Therefore, they have concerns with Mr. Andrus working in an alcohol related capacity and also recommend denial of the license.

Ald. Wery opened the floor without objection.

Rick Andrus appeared and stated he is trying to get employment at Nic's on Main Street. Mr. Andrus stated he had a lot of anger issues when he was younger and turned to alcohol. Mr. Andrus stated he is currently sober, he stated he attended classes in order to get back his driver's license. Ald. Steuer asked if Mr. Andrus had any written proof of this class, other programs he attended, or letters of recommendation from employers. Mr. Andrus stated he was made aware that he should gather this proof, but he didn't follow through with this advice.

Atty. Leigl reiterated that the Committee has before them the actual felony and misdemeanor convictions of Mr. Andrus. Atty. Leigl stated he could print out the list of charges if the Committee would like one.

Mr. Andrus stated he occasionally works at Nic's under supervision. It is very hard for him to find a job because of his convictions. He has enrolled at NWTC and will begin soon and would like to have a job as well. He is trying to get his life together and stay out of trouble.

Atty. Leigl reported that according to State Statutes no license related to alcoholic beverages may be issued to any person convicted of a felony.

Atty. Mueller stated he has not yet received the opinion from the Wisconsin League of Municipalities regarding license restriction placed by the City or to define parameters that a Council may consider applicants with a felony that substantially relates to the licensed activity.

Ald. Wery asked for confirmation that this Committee cannot legally grant this license due to State Statutes. Atty. Leigl and Atty. Mueller confirmed that they cannot.

Mr. Andrus was asked if he could wait until the Committee received notification from the Wisconsin League of Municipalities regarding granting of his license. Mr. Andrus confirmed he could and he would bring letters from the program he attended and from the manager at Nic's.

Ald. Wery returned to regular order of business.

Ald. Wery stated due to the nature of Mr. Andrus' convictions, where he is seeking employment, and the State Statute, he is going to deny this request.

Ald. Steuer informed Mr. Andrus he can request to come before this Committee again. Ald. Steuer stated the opinion from the Wisconsin League of Municipalities may allow Mr. Andrus to receive his license. Mr. Andrus was encouraged to contact his Alderman to find out if the opinion was received.

A motion was made by Ald. Wery and seconded by Ald. Scannell to deny the appeal by Rick Andrus to the denial of his Operator License application. Motion carried.

A motion was made by Ald. Tim De Wane and seconded by Ald. Steuer to adjourn the meeting at 6:10 p.m. Motion carried.

For all licensing issues, the Committee may potentially convene in closed session pursuant to §19.85 (1)(b) and/or §19.85 (1)(f) Wisconsin Statutes, for the purpose of considering information with respect to licensing for a person. The applicant has the right to demand that the meeting be held in open session. The applicant may also request that the meeting be held in closed session. The Committee may, thereafter, reconvene in open session pursuant to §19.85(2) Wisconsin Statutes to report any actions taken during the closed session and to consider all other matters on the agenda.

If there are any questions regarding the agenda, please call Dawn, City Clerk's Office, at 448-3010.

ACCESSIBILITY: Any person wishing to attend who, because of a disability, requires special accommodation should contact the City Safety Manager at 448-3125 at least 48 hours before the scheduled meeting time so that arrangements can be made.

Please take notice that it is possible that additional members of the Council may attend this committee meeting resulting in a majority or quorum of the Common Council. This may constitute a meeting of the Common Council for purposes of discussion and information gathering relative to this agenda.

The audio tape and minutes of this meeting will be available at www.greenbaywi.gov