

MINUTES
PROTECTION & WELFARE COMMITTEE
Monday, February 24, 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. Muraski, Mayor Schmitt, Ald. Kocha, Ald. Wiezbiskie, and other interested parties.

NOTE: Item #9 was moved to follow 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 February 10, 2014 meeting.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to approve the minutes from the February 10, 2013 meeting. Motion carried.

4. Request by St. Brendan's Inn, 234 S. Washington Street, to hold outdoor events March 16 and 17, 2014.

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

A motion was made by Ald. Tim De Wane and seconded by Ald. Brunette to approve the request by St. Brendan's Inn, 234 S. Washington Street, to hold outdoor events March 16 and 17, 2014. The approval of the request is subject to complaint. Motion carried.

5. Application for a "Class A" Liquor License by Nicson, Inc. at 2260 Nicolet Drive. (Currently has beer only.)

There were no objections from the City Attorney Office or the Green Bay Police Department (GBPD). Atty. Mueller stated if the applicant is present he wants to make them aware that the area in which the liquor will be sold from has to be

locked after 9 p.m., surveillance must be in place, along with a signage stating individuals 21 and under will not be served. These are the additional requirements needed to obtain the liquor license.

A motion was made by Ald. Brunette and seconded by Ald. Boyce to approve the application for a "Class A" Liquor License by Nicson, Inc. at 2260 Nicolet Drive with the approval of proper authorities. (Currently has beer only.) Motion carried.

6. Application for a "Class A" Liquor License by C & D Shell, LLC at 1121 Radisson Street. (Currently has beer only.)

There were no objections from the City Attorney Office or the Green Bay Police Department (GBPD). Atty. Mueller stated the terms above apply to this situation as well.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to approve the application for a "Class A" Liquor License by C & D Shell, LLC at 1121 Radisson Street with the approval of proper authorities. (Currently has beer only.) Motion carried.

7. Request by Ald. Tom De Wane to discuss, with possible action, the Lobbyist Registration Ordinance, §6.38.

Atty. Mueller stated that Ald. Tom De Wane couldn't attend tonight's meeting; however he requested to bring back this item which the City Attorney's Office brought forward to clarify the definition, and this Committee held it up several months ago. Added into this ordinance is language to clarify the definition that "Lobbyist" means a person, other than a full-time employee of the client, who is paid consideration by another to engage in lobbying.

Atty. Mueller stated that complaints had been received from companies asking for clarification as to who the lobbyist ordinance applies to. They wanted to know if their full-time employees, who were advocating in front of the Common Council, needed to be registered. This is something the City Attorney's Office wanted the Council to clarify. Ald. Tom De Wane is in favor of the language presented in the draft ordinance.

A motion was made by Ald. Boyce and seconded by Ald. Tim De Wane to approve the amended Lobbyist Registration Ordinance, Section 6.38. Motion carried.

8. Request by Ald. Wiezbiskie to develop an ordinance similar to the City of Wausau with regards to the use of cell phones and other handheld electronic devices while driving.

Ald. Wiezbiskie stated this was brought forward because while he was plowing out his driveway he was observing traffic driving past his house and noticed 90% of the drivers were texting or talking on their cell phones. He reported that Wausau had an ordinance like this. Ald. Wiezbiskie stated that he has had several phone calls in support of this. He spoke with one cab driver that wasn't in support, stating he needed to use his phone for his job. Ald. Wiezbiskie said it was his opinion that use of a cell phone while driving causes accidents due to inattentive driving.

Atty. Mueller stated the City Attorney's Office is not taking a position on this item as there is already a State law regarding texting while driving and a State statute regarding inattentive driving.

Discussion followed on what could be considered to cause inattentive driving.

Ald. Tim De Wane questioned that if the City did pass an ordinance such as this how could we make the public aware of it. Capt. Muraski stated he spoke with Wausau officers and they informed him that this information will be posted on signs at various entrances into their city, and as of now they are verbally informing the public of this ordinance and currently just issuing warnings.

Ald. Steuer opened the floor without objection.

Peter Beth, 1589 Kennedy Drive, appeared and stated he supports this 100%. He is a licensed driving instructor and has worked 12 years part-time. He has spent thousands of hours in car with young students, and has noticed that the amount of cell phone use is approaching the point where it is as hazardous as drinking and driving. Mr. Beth stated that Wausau has passed this, if Green Bay chooses to do so then maybe surrounding communities will also want to and then it can become a State law. Mr. Beth stated that the forfeiture should be higher than the \$40 Wausau is charging and even more for a second violation because it will make people think twice before doing it again. Passing this ordinance could save lives.

Ald. Tim De Wane inquired if we passed this ordinance if points could be taken off an individual driver's license. Atty. Mueller replied for any demerit points to be taken off, it has to be a uniform state traffic law.

Ald. Steuer asked Capt. Muraski if this ordinance passed, how would it affect the GBPD. Capt. Muraski replied that he spoke with a Wausau police supervisor and they stated they already pulled over three individuals today. Capt. Muraski wanted to clarify that Wausau's charge of \$40 is only a base fee, with court costs the citation could end up costing \$114. The GBPD would already stop a vehicle that is weaving or where the driver appears to be driving inattentive and holding an electronic device

Ald. Steuer returned to regular business.

Discussion that followed focused on what type of electronic devices would be included in an ordinance.

Ald. Kocha stated more research should be done showing that the quality of safety has improved with a cell phone ban before an ordinance is developed.

Ald. Tim De Wane asked that a copy of the statute for inattentive driving be distributed to the full council.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to refer to staff the request by Ald. Wiezbiskie to develop an ordinance similar to the City of Wausau with regards to the use of cell phones and other handheld electronic devices while driving. Motion carried.

9. Request by staff to amend Green Bay Municipal Code §6.21 relating to public vehicle operator licensing.

Atty. Mueller distributed a draft copy of the amendments to Green Bay Municipal Code Section 6.21 and stated some of the changes were due to complaints the City has received relating to taxicabs. Atty. Mueller briefly reviewed the changes: Section 2 amends the fee for a taxicab operator license. Section 3 amends the fee for a Taxicab Business License and the vehicle inspection fee. These rates are comparable to surrounding municipalities. Section 3(f) under 5(d) has changed as well; rates must now be displayed on the exterior of the vehicle with print large enough to be viewed by the public. Rates were previously posted in the interior of the cab. After the vehicle has passed all requirements, a sticker will be affixed to the vehicle.

Atty. Mueller stated that the main change under 4(b) requires drivers to attend a hospitality training which will be conducted quarterly by the Visitors Convention Bureau. Drivers will receive a 90-day temporary license, upon completion of this training they will receive their permanent license. The City Attorney's Office suggests this training be taken annually, however the Committee can decide this. It is felt that this training will increase visitors to downtown and touring our community.

Ald. Steuer opened the floor without objection.

Julie Gerseck, 1036 S. Mancina Circle, appeared and stated she is the Director of Tourism for the Greater Green Bay Convention and Visitors Bureau (GGBCVB). They highly support the hospitality training for taxicab drivers. This type of training is done throughout the country and they are happy to partner with the City for quarterly training. Many times cab drivers are the first and last impression visitors get of Green Bay. They would train the cab drivers on how to

inform visitors of the City's top attractions, current events and fun facts of Green Bay as well as direct them on how to get to these places. Training will be approximately 1-1/2 hours long, and handouts will be distributed to drivers along with extras to hand out to their customers. The cost factor hasn't yet been determined, but would be minimal.

Mayor Schmitt appeared and stated that there will not be any cost to the cab drivers for this training. The City has been working on making changes to this ordinance for awhile now and it's the right thing to do. Sharing their knowledge about the City and its community, with passengers, may also increase the cab drivers gratuity.

Ald. Wiezbiskie stated that the fees charged by taxi companies should be standardized into a uniform fee. Atty. Mueller stated that if a communication is made to that effect it could be looked into.

Ald. Kocha appeared and stated that she doesn't believe that the government has the right to tell a business how much they can charge.

Gordon Wilker, 1224 S. Greenwood Avenue, appeared and inquired if De Pere and Ashwaubenon have a similar ordinance that is being proposed. Atty. Mueller replied there are similarities as well as differences. Mr. Wilker inquired why Green Bay cab companies have to take this training when cab companies from other municipalities that come into the City don't have to have it. He believes increasing fees because of the hospitality training is going to create a disservice. Atty. Mueller replied that the hospitality training has nothing at all to do with the increased fees. Mr. Wilker stated the application fees we charge should be comparable to the nearby communities. Atty. Mueller replied that they are. Mr. Wilker stated that raising the rates and enforcing the hospitality training decreases opportunities for cab drivers. Ald. Steuer replied that he agrees with the Mayor when he said that the more knowledge cab drivers can impart regarding the City onto their customers may actually increase their tips.

Ald. Steuer returned to regular order of business.

Ald. Boyce inquired if cab companies who operate in the county can be required to take this training. Atty. Mueller stated if the majority of their business is inside the City limits, then yes they would be required; however we cannot enforce this County wide. Ald. Boyce suggested contacting the County to see if they would work with the City on enforcing this County-wide.

Ald. Brunette inquired if there is a limited number of cab driver licenses allowed in the City and if cab companies have been contacted regarding hospitality training. Atty. Mueller replied that the City doesn't limit the number of drivers and there are approximately 19 companies currently operating in the City. Notification has not been personally made with these companies. Ald. Brunette

stated that Green Bay is becoming a tourist attraction, and in his opinion that it would benefit the City to have the cab drivers take this training. He would like to approve this ordinance, however he would like to amend it to include that there will not be a cost associated with this training.

A motion was made by Ald. Brunette and seconded by Ald. Boyce to approve the draft ordinance regarding taxicab licensing with an amendment to Section (4)(b) stating that the hospitality training shall be at no cost to the licensee. Motion carried.

A motion was made by Ald. Tim De Wane and seconded by Ald. Boyce to adjourn the meeting at 6:00 p.m. Motion carried.

:dmo

GENERAL ORDINANCE NO. ____-13

AN ORDINANCE
AMENDING SECTION 6.38(1)(c) GREEN BAY MUNICIPAL CODE,
RELATING TO LOBBYIST REGISTRATION

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 6.38(1)(c) Green Bay Municipal Code, is hereby amended as follows:

6.38 LOBBYIST REGISTRATION. (Cr. GO 10-11)

(1) Definitions. For the purposes of this ordinance, the phrases below are defined as follows:

...

(c) "Lobbyist" means a person, **other than a full-time employee of the client**, who is paid consideration by another to engage in lobbying.

SECTION 2. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this _____ day of _____, 2013.

APPROVED:

Mayor

ATTEST:

Clerk

jlm

DATE

GENERAL ORDINANCE NO. __-14

AN ORDINANCE
REPEALING AND RECREATING SECTION 6.21, GREEN BAY MUNICIPAL CODE,
RELATING TO TAXICAB LICENSING

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 6.02(2)(j), Green Bay Municipal Code, is hereby repealed.

SECTION 2. Section 6.01(15), Green Bay Municipal Code, is renumbered section 6.01(19m) and amended to read:

(19m) ~~PUBLIC VEHICLE DRIVER'S TAXICAB OPERATOR'S LICENSES.~~

- (a) ~~Initial—\$10.~~ For an operator employed by an organization which is exempt from federal income tax under IRC § 501(c)(3) - \$0
- (b) ~~Renewal—\$5.~~ For an operator employed by a nonprofit corporation under Ch. 181, Wis. Stats. - \$0
- (c) For any other person - \$50

SECTION 3. Section 6.01(19), Green Bay Municipal Code, is hereby amended to read:

(19) TAXICAB BUSINESS LICENSES.

- (a) For vehicles of greater than seven passenger capacity—\$50. For an organization which is exempt from federal income tax under IRC § 501(c)(3) - \$0
- (b) For other vehicles—\$20 for one vehicle and \$5 for each additional vehicle operated by one owner. For a nonprofit corporation under Ch. 181, Wis. Stats. - \$0
- (c) For any other person - \$25 for each taxicab with a capacity of seven (7) or fewer passengers, not including the driver
- (d) For any other person - \$50 for each taxicab with a capacity of eight (8) to fifteen (15) passengers, not including the driver

SECTION 4. Section 6.21, Green Bay Municipal Code, is hereby repealed and re-created to read:

6.21 **TAXICAB LICENSING**

Ref.: Wis. Stat. § 349.24

(1) **DEFINITIONS**

- (a) “Applicant” means the individual applying for a license under this section or any person who is an officer of a corporation that is applying for a license under this section.

- (b) "Taxicab" means a vehicle held for public hire by charging a monetary fee on a per ride, time, or distance basis to carry passengers to designations without following any fixed routes, but does not include any of the following:
1. Vehicles operated primarily as funeral cars.
 2. Vehicles operated by city, state or federal governments.
 3. Vehicles operated primarily as ambulances.
 4. Vehicles operated primarily for transporting property.
 5. Commercial motor vehicles
- (c) "Taxicab business" means any enterprise that owns a taxicab or manages the operation of a taxicab.

(2) LICENSES REQUIRED

- (a) **BUSINESS LICENSE.** No person may engage in a taxicab business unless each taxicab used in the business is licensed. A taxicab business license shall expire on July 1 of each year.
- (b) **OPERATOR'S LICENSE.** No person may operate a vehicle for taxicab purposes upon a highway unless the person is licensed as a taxicab operator. A taxicab operator's license shall expire on July 1 of each year.

(3) BUSINESS LICENSE APPLICATION PROCESS

- (a) **APPLICATION.** A person wishing to obtain a taxicab business license shall apply to the city clerk upon an approved form and pay to the clerk the proper license fee for each taxicab managed by the person. The clerk shall forward the application to the police department for review. If the police department approves the application, the clerk shall place the application upon the next available Protection & Welfare Committee meeting for consideration. The police department shall deny the application if any of the following applies:
1. The circumstances of a pending criminal charge against the applicant substantially relate to the licensed activity
 2. The applicant has been convicted of any felony, misdemeanor or other offense, the circumstances of which substantially relate to the circumstances of the particular job or licensed activity
 3. The applicant made a false statement on the application
 4. The applicant is under eighteen (18) years old
- (b) **APPEAL.** If the police department denies an application for a business license, the person may appeal within fifteen (15) days after the clerk mails a notice of denial to the person. If the person files a timely appeal with the clerk, the clerk shall schedule an appeal hearing before the Protection & Welfare Committee.
- (c) **HEARING BEFORE COMMITTEE.** The Committee may approve any application placed on its agenda only if the applicant is qualified under this section and may place

conditions upon approval. The common council shall affirm, reverse or modify the committee decision.

- (d) **ISSUANCE.** The clerk shall issue the taxicab business license if the applicant has been approved by the common council and has satisfied all other provisions of this section.
- (e) **VEHICLE INSPECTION.** Before a taxicab business may operate a taxicab on a highway, the taxicab shall obtain a license sticker from the police department by passing an inspection. The police department shall collect \$25 for each motor vehicle inspection, and \$10 for inspecting any other vehicle. This paragraph does not apply to a vehicle owned or operated by:
 - 1. A nonprofit corporation that provides to the police department proof that the vehicle passed a state vehicle inspection.
 - 2. An organization which is exempt from federal income tax under IRC § 501(c)(3) that provides to the police department proof that the vehicle passed a state vehicle inspection.
- (f) **POLICE DEPARTMENT REVIEW.** The police department shall affix a license sticker to the vehicle if the department determines that the vehicle is:
 - 1. Licensed with the city clerk
 - 2. In a safe operating condition
 - 3. Registered pursuant to Wis. Stat. Ch. 341
 - 4. Insured as required by Wis. Stat. § 344.15(1)
 - 5. Conspicuously displaying on the exterior of the vehicle:
 - a. The name or trade name of the taxicab business
 - b. The phone number of the taxicab business
 - c. A unique number assigned by the taxicab business that identifies the particular vehicle
 - d. All rates or fees charged to passengers
 - 6. Conspicuously displaying within the passenger compartment:
 - a. Proof of insurance
 - b. A display holder within which taxicab operators can show their licenses while operating the taxicab.

(4) OPERATOR'S LICENSE APPLICATION PROCESS

- (a) **APPLICATION.** A person wishing to obtain a taxicab operator's license shall apply to the city clerk upon an approved form and pay to the clerk the proper license fee and submit an acceptable passport-sized photo. The clerk shall forward the application to the police department for review. If the police department approves the application, it shall forward its recommendation to the clerk. The police department shall deny the application if any of the following applies:
 - 1. The circumstances of a pending criminal charge against the applicant substantially relate to the licensed activity

2. The applicant has been convicted of any felony, misdemeanor or other offense the circumstances of which substantially relate to the circumstances of the particular job or licensed activity
 3. The applicant made a false statement on the application
 4. The applicant is under eighteen (18) years old
- (b) HOSPITALITY TRAINING. Prior to issuance of a permanent operator's license an applicant must complete a hospitality training course which has been approved by the City of Green Bay and evidenced by a certificate of completion. The hospitality training course shall be provided free of charge to the licensee.
- (c) APPEAL. If the police department denies an application for an operator's license, the person may appeal within fifteen (15) days after the clerk mails a notice of denial to the person. If the person files a timely appeal with the clerk, the clerk shall schedule an appeal hearing before the Protection & Welfare Committee. The Committee shall approve the application only if the applicant is qualified under this section and may place conditions upon approval. The common council shall affirm, reverse or modify the committee decision.
- (d) ISSUANCE.
1. Temporary License. The clerk shall issue a temporary taxicab operator's license if the applicant has been approved by the police department or the common council, and has satisfied all other provisions of this section except for the completion of an approved hospitality training course within the last twelve (12) months. A temporary operator's license shall expire upon ninety (90) days after the date of issuance or upon issuance of a permanent operator's license. Only one temporary operator's license may be issued within a twelve (12) month period.
 2. Permanent License. The clerk shall issue a permanent taxicab operator's license if the applicant has been approved by the police department or the common council, has completed an approved hospitality training course within the last twelve (12) months, and has satisfied all other provisions of this section.
- (5) TAXICAB REGULATIONS. The owner and operator of a taxicab are both responsible for ensuring compliance with this subsection.
- (a) MAINTENANCE. No person may operate a vehicle registered under this paragraph unless the vehicle complies with all the conditions necessary to become licensed taxicab at the time it is in operation.
- (b) RECEIPTS. Upon a customer's demand, the operator of a taxicab shall provide a receipt at the time of payment in legible type or writing containing the firm name, operator's name and number, any items for which the charge is made, the total amount paid, and the date of payment.
- (c) RATES. Taxicabs may charge for service at a rate per unit of time, a flat rate per ride, or by using a taximeter.

1. Report to Clerk. The owner or operator of a taxicab shall at all times maintain a schedule of rates on file with the city clerk and may not charge any rate higher than the rate on file with the city clerk
2. Taximeters. A taxicab may use a taximeter to determine the cost of service, subject to the following regulations:
 - a. No person shall use or permit to be used upon any taxicab a taximeter which is in error more than 4% in efficiency and more than 1% in excess interval under test.
 - b. After sundown, the face of the taximeter shall be illuminated by suitable light so arranged as to be readily discernible to the passengers.
 - c. The case of the taximeter shall be sealed and have its cover gear intact.

(d) OPERATOR ID DISPLAY. No person may operate a taxicab unless the person who is licensed to operate it is displaying his or her operator's license.

(6) LICENSE SUSPENSION OR REVOCATION. Any person may file a complaint with the city clerk alleging a licensee has violated any provision of this Code or state law that substantially relates to the licensed activity. The common council may require the complainant to post surety of up to \$500. If the common council determines that the complaint is true, it shall revoke the license or suspend the licensee's license for not less than ten (10) and not more than ninety (90) days. If the common council determines the complaint to be unsubstantiated, it shall dismiss the complaint and return any surety posted by the complainant. If the common council determines the complaint is false and the complainant acted in bad faith, it shall dismiss the complaint and award the complainant's surety to the licensee. Chapter 68, Wis. Stats., shall not apply to taxicab licensing decisions.

SECTION 6. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this _____ day of _____, 2014.

APPROVED:

Mayor

ATTEST:

Clerk

jlm

DATE