

MINUTES
PROTECTION & WELFARE COMMITTEE
Monday, June 2, 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–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. Steuer and seconded by Ald. Tim De Wane to approve the agenda. Motion carried.

3. Approval of the minutes from the May 26, 2014 meeting.

A motion was made by Ald. Tim De Wane and seconded by Ald. Scannell to approve the minutes from the May 26, 2014 meeting. Motion carried.

4. Application for one of seven available "Class B" Combination License by Fourth Down LLC, at 308 Pine St.

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

Ald. Wery opened the floor without objection.

Rob Davis appeared and stated this will be a wine bar located across the street from the Northland Hotel, and plans to occupy 306 and 308 Pine Street.

Ald. Wery returned to regular order of business.

A motion was made by Ald. Tim De Wane and seconded by Ald. Steuer to approve the application for one of seven available "Class B" Combination License by Fourth Down LLC, at 308 Pine St with the approval of proper authorities. Motion carried.

5. Application for one of seven available "Class B" Combination License by JACB LLC, at 500 N. Baird Street (previously a reserve license).

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

Ald. Wery opened the floor without objection.

Jeffrey Herlache, 1774 Fiesta Lane, appeared and stated they are renting with the option to buy the bar.

Jesus Torrez, 1127 Smith Street, appeared and stated the current owner of the bar only operates it on the weekend which is why he is renting it to them.

Ald. Wery returned to regular order of business.

A motion was made by Ald. Scannell and seconded by Ald. Steuer to approve the application for one of seven available "Class B" Combination License by JACB LLC, at 500 N. Baird Street with the approval of proper authorities (previously a reserve license). Motion carried.

6. Application for a Class "B" Beverage License by Burger House 41 LLC, at 1860 West Mason Street for the balance of the license year and the 2014-2015 license year.

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

Ald. Wery opened the floor without objection.

Amy Deering, 1860 West Mason Street, appeared and stated the business was formerly known as Gilly's. They would like to sell craft beer along with their burgers and fries. They understand all the alcohol related procedures they need to follow.

Ald. Wery returned to regular order of business.

A motion was made by Ald. Scannell and seconded by Ald. De Wane to approve the application for a Class "B" Beverage License by Burger House 41 LLC, at 1860 West Mason Street for the balance of the license year and the 2014-2015 license year with the approval of proper authorities. Motion carried.

7. Application for a Class "B" Beverage License by Joe's Texas Barbeque LLC, at 1800 S. Ashland Avenue for the 2014-2015 license year.

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

A motion was made by Ald. De Wane and seconded by Ald. Scannell to approve the application for a Class "B" Beverage License by Joe's Texas Barbeque LLC, at 1800 S. Ashland Avenue for the 2014-2015 license year with the approval of proper authorities. Motion carried.

8. Application for a Class "A" Beverage License by Everardo Curiel at 1807 N. Irwin Avenue.

Atty. Mueller stated this is the second time the applicant has appeared before this Committee to obtain a license to sell liquor from his grocery store; he was denied the first time.

Capt. Bongle reported that he spoke with the Capt. Runge and the community officers who work in this area and they communicated that they are opposed to this application. Beach Road Liquor was a business similar to this that had a lot of issues with loitering and drug activity. The business was eventually closed, which brought a noticeable improvement to the neighborhood. There is already a Shell station in this neighborhood that sells liquor.

Capt. Bongle stated that Mr. Curiel is the license holder for establishments at 240 S. Webster, El Ranchito; and 1905 N. Irwin, Mi Pueblo. In one year there were 49 calls to 240 S. Webster for police assistance due to fighting, juvenile disturbances, loitering, intoxicated individuals on the premises, selling to individuals on the no-serve list, and runaways and parole violators in the parking lot. At 1905 N. Irwin there were 19 police calls including 6 disturbance calls, individuals fighting, remaining open after closing hours, and an underage individual was found in the bar. The GBPD doesn't have any objection for a grocery store; however they recommend denying the license to sell beer. There is a pattern of violations with management at these establishments that keep occurring despite contact from the GBPD.

Ald. Steuer inquired who was making the police calls. Capt. Bongle replied a majority came from citizens in the area or from police officers who were patrolling the area.

Ald. Wery opened the floor without objection.

Everardo Curiel, 917 Stuart Street, appeared stated he lives near El Ranchito.

Anita Herrera, 1635 Fiesta Lane, stated she will be the translator for Mr. Curiel. Ms. Herrera stated they left messages with the community police officers in the area by El Ranchito and Mi Pueblo inquiring how to address and fix the problems but never received a call back. Ms. Herrera stated they don't have the ability to know who the runaways are or who's on probation, and inquired if they are to stop calling the police for assistance if they're going to be held liable for the call. If they see people loitering they tell them to leave, but they can't actually make them leave.

Ald. Steuer stated they should continue calling for police assistance. However they are looking out for the safety of the citizens of this community and there is concern about issuing a liquor license at this address.

Ms. Herrera stated that just because Beach Road Liquor had problems in the past at this address, others shouldn't be denied a liquor license because of this. They should be given a chance to sell beer, and if the same problems occur they will surrender the license.

Ald. Tim De Wane stated that he was in favor of approving this license the last time they applied and inquired why they returned after being denied. Mr. Curiel stated he spoke with Anita in the City Clerk's office to see if he could reapply since they opened the store already and tried to take care of some of the issues

that were there the last time. It used to be a bar and they opened it as a grocery and ice cream store. Ald. Tim De Wane stated he is usually in favor of a business opportunity and he doesn't believe this location is a bad one to sell beer compared to the Webster Street location.

Capt. Bongle addressed the Committee and stated that usually if someone who was denied a liquor license and wishes to reapply they would provide a detailed plan of the changes they will implement to address the concerns of the GBPD such as ensuring training for their staff, checking ID's so underage individuals will not be served, installing security cameras inside the business, and monitoring parking lots.

Ald. Scannell suggested that the individual applying for this license probably isn't aware of this and the GBPD should sit down and discuss a plan with them.

Ald. Steuer stated the applicant should be aware of this since he owns two other establishments; and suggested holding this item until Mr. Curiel can provide us with the information Capt. Bongle wants. Ms. Herrera stated they would be able to do this.

Ald. Wery returned to regular order of business.

It was discussed that Ald. Moore should be contacted for his input since this is his district.

A motion was made by Ald. Steuer and seconded by Ald. Scannell to postpone until the next meeting the application for a Class "A" Beverage License by Everardo Curiel at 1807 N. Irwin Avenue. Motion carried.

9. Request by the owners of JD's Bar, 715 S. Broadway, to hold outdoor events on **June 14**, July 26, and September 20 and 27, with music until midnight.

Nobody appeared for this item.

Atty. Mueller stated he had questions for the applicant regarding security and if he was seeking an extension of the liquor license.

Capt. Bongle stated he also would have liked to talk with the applicant regarding what time the music would end due to the fact they received neighborhood complaints in the past, and to find out the band's location in adjacent to the bar. The GBPD would like to ask for a restriction for the music to end at 10:00 p.m.

Ald. Steuer stated it his opinion that it shows unaccountability on their part by not showing up for this item. Ald. Tim De Wane stated the June 14 date was approved at the last Common Council meeting with final say being granted to the Protection & Welfare Committee, and he would be okay granting the June 14 date contingent upon complaints and with the music ending at 10:00 p.m. Ald. Tim De Wane suggested the remaining dates should be referred to Common Council.

A motion was made by Ald. Tim De Wane and seconded by Ald. Scannell to approve the request by the owners of JD's Bar, 715 S. Broadway, to hold an outdoor event on **June 14** with music ending at 10:00 p.m. The approval of the request is subject to complaint. Motion carried.

A motion was made by Ald. Steuer and seconded by Ald. Scannell to postpone until the next meeting the request by the owners of JD's Bar, 715 S. Broadway, to hold outdoor events on July 26, and September 20 and 27, with music until midnight. Motion carried.

10. Request by the owner of Brewski's, 1100 S. Broadway, to hold an outdoor event on July 19.

Atty. Mueller stated this applicant has had outdoor events in the past; however he has the same questions for this applicant as he did for the previous item.

Nobody appeared for this item.

Ald. Steuer inquired if we could require the applicant to appear before the Committee with this type of request. Atty. Mueller stated that typically in the past the City Attorney's Office would recommend denial if nobody appeared; however this applicant, as well as the previous one, normally request these events every year and shown up for these meetings. Atty. Mueller stated that it's not a time sensitive date therefore he would feel comfortable postponing this item until the next meeting to give them time to present their plan.

A motion was made by Ald. Steuer and seconded by Ald. Tim De Wane to postpone until the next meeting the request by the owner of Brewski's, 1100 S. Broadway, to hold an outdoor event on July 19. Motion carried.

11. Request by the owner of My Bar LLC, 702 N. Quincy, to hold an outdoor event on July 4.

Atty. Mueller reported the applicant described the outdoor event in their request; therefore the City Attorney's Office has no objection.

Capt. Bongle stated the GBPD has no objections.

Ald. Wery opened the floor without objection.

Amy Stevenson, 244 Deschane Place, appeared and stated the event will be from noon until 9:00 p.m. Entrance to the back parking lot is through the front door of the bar, security and an ID scanner will be in place.

A motion was made by Ald. Scannell and seconded by Ald. De Wane to approve the request by the owner of My Bar LLC, 702 N. Quincy, to hold an outdoor event on July 4. The approval of the request is subject to complaint. Motion carried.

12. Request by the owners of LosBanditos, 2335 W. Mason Street, to include a front patio as part of their licensed premises.

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

Ald. Wery opened the floor without objection.

Pat Beimborn, (address intelligible) appeared and stated the patio would have the same hours of operation as the inside restaurant.

A motion was made by Ald. Scannell and seconded by Ald. Steuer to approve the request by the owners of LosBanditos, 2335 W. Mason Street, to include a front patio as part of their licensed premises. Motion carried. Ald. Tim De Wane was not present for this vote.

13. Request by the owners of LosBanditos, 2335 W. Mason Street, for an exemption of the fencing requirements.

Atty. Mueller stated that City ordinance requires a 6' fence around a licensed outdoor area to prevent alcohol from passing through. The City Attorney's Office is willing to accept an exemption if the applicant ensures this doesn't happen. If the applicant wants to install a fence they should check with the Zoning Department for setback requirements.

A motion was made by Ald. Steuer and seconded by Ald. Tim De Wane to approve the request by the owners of LosBanditos, 2335 W. Mason Street, for an exemption of the fencing requirements. Motion carried.

14. Request by the owner of Sandra's Cafe, 1212 Marine Street, to include the deck in front of their building as part of their licensed premises.

Atty. Mueller stated the City Attorney's Office has no objections; however he does have more questions for the applicant.

Capt. Bongle stated he spoke with Capt. Runge regarding the applicant and reported the business plan was approved; however they do have concerns with applicant who recently received an OWI. There were also several issues when the applicant was involved in another business with other individuals. Capt. Bongle stated if the applicant follows the described plan there shouldn't be any problems.

Sandra Vieau, 1212 Marine Street, stated their patrons are there for the food and may have wine or beer with their meals, people don't come there just to drink. Ms. Vieau showed a plan of the patio to the Committee.

A motion was made by Ald. Tim De Wane and seconded by Ald. Steuer to approve the request by the owner of Sandra's Cafe, 1212 Marine Street, to include the deck in front of their building as part of their licensed premises. Motion carried. Ald. Scannell was not present for this vote.

15. Request by the owner of Sandra's Cafe, 1212 Marine Street, for an exemption of the fencing requirements.

Atty. Mueller stated that the City Attorney's Office has no objections; however they would request that the applicant turn in a detailed site plan to the City Clerk's Office before the next Common Council meeting.

A motion was made by Ald. Tim De Wane and seconded by Ald. Scannell to approve the request by the owner of Sandra's Cafe, 1212 Marine Street, for an exemption of the fencing requirements. The request is contingent upon the applicant submitting a detailed site plan to the City Clerk. Motion carried.

16. Request by the owner of Los Magueyes, LLC, 1053 Velp Avenue, to include the patio as part of their licensed premises.

Atty. Mueller stated that the City Attorney's Office doesn't have any objections; however they would like to see a more detailed site plan.

Julio Herrera, 1053 Velp Avenue, appeared and showed the Committee a plan of the patio.

A motion was made by Ald. Scannell and seconded by Ald. Tim De Wane to approve the request by the owner of Los Magueyes, LLC, 1053 Velp Avenue, to include the patio as part of their licensed premises. Motion carried.

17. Request by the owner of Los Magueyes, LLC, 1053 Velp Avenue, for an exemption of the fencing requirements.

Atty. Mueller stated that according to the submitted site plan it shows that the patio has a 42" high rail; therefore the City Attorney's Office has no objections.

Capt. Bongle stated that the GPBD has no objections.

A motion was made by Ald. Steuer and seconded by Ald. Tim De Wane to approve the request by the owner of Los Magueyes, LLC, 1053 Velp Avenue, for an exemption of the fencing requirements. Motion carried.

18. Appeal by Timothy Micolichek Jr. to the denial of his Operator License application.

Atty. Mueller stated the City Attorney's Office recommends denial based on the applicant's arrest and conviction record which substantially relates to the licensed activity. Atty. Mueller briefly summarized Mr. Micolichek's record: 2013 felony for a fifth OWI; 2008 misdemeanors for a fourth OWI and for bail jumping; 2007 misdemeanor for third OWI; 2005 misdemeanor for second OWI and a civil forfeiture for criminal damage; and forfeiture for a first OWI. Atty. Mueller reminded the Committee that stipulations cannot be placed on an operator license because they are not legally binding. The City Attorney's Office monitors individuals and will bring any problems to the attention of this Committee to revoke the license if necessary.

Timothy Micolichek, 498 Wayfarer Way, appeared and distributed a copy of a driver safety plan showing that he attended treatment and a letter of support from

Kwik Trip, his employer. Mr. Micolichuk stated he did receive six months of jail time and three years of probation and that his parole officer approves his employment. He started working out in the kitchen there and would like to advance to a supervisor or manager position and he can only do so with this license.

Ald. Steuer stated that he has concerns granting this license because of the five OWI charges. Mr. Micolichuk stated the first two he received is when he was in his early twenties and didn't care about causing trouble, the last one he received is because he was supposed to stay with his girlfriend who lived next to the bar but they argued and he decided to drive home and got caught. Since that time he's committed to sobriety, he quit playing darts and hanging out with his drinking friends. He voluntarily entered into an intensive outpatient program at the Jackie Nietzsche Center and a driver safety program.

Discussion focused on putting a stipulation on the license so Mr. Micolichuk cannot use the license to bartend. Atty. Mueller stated he will review the legal requirements of the license and email the chairperson his conclusion before the Common Council meeting.

A motion was made by Ald. Scannell and seconded by Ald. Steuer to approve the appeal by Timothy Micolichuk Jr. to the denial of his Operator License application. Motion carried.

19. Applications for various liquor/or beer licenses for the 2014-2015 license year.

Atty. Mueller stated the City Attorney's Office doesn't have any objections.

A motion was made by Ald. Scannell and seconded by Ald. De Wane to approve the applications for various liquor/or beer licenses for the 2014-2015 license year. Motion carried.

A motion was made by Ald. Tim De Wane and seconded by Ald. Steuer to adjourn the meeting at 6:33.

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

CLASS "A" LIQUOR & BEVERAGE

Sullivan Matuszak, Inc.
Walnut Shell
515 W. Walnut

CLASS "A" BEVERAGE

LaEspigna, LLC
La Espigna
1606 Main

Terry's EZ-Go, LLC
Terry's EZ-Go
401 Mather

CLASS "B" BEVERAGE

Juan Curiel
Taco Burrito
108 N. Oakland

CLASS "B" BEVERAGE & CLASS "C" WINE

Amanda Paterson
Cafe Madrid
154 N. Broadway

"CLASS B" COMBINATION

Keggers, LLC
Keggers
231 N. Broadway

The Public Haus, LLC
The Public Haus
813 S. Broadway

Strats, Inc.
Cliffhangers
2850 Humboldt

Anduzzi's East Green Bay, LLC
Anduzzi's Sports Club
900 Kepler

Guardrail Greg's, LL
Guardrail Greg's
805 Klaus

Oval Office, LLC
Oval Office
1100 Main

Eat Invest GP, LLC
Julie's Cafe
1685 Main

Oneida Tribe of Indians of WI
Oneida Bingo and Casino
2552 W. Mason

LS Adams LLC
Cool Hand Luke's
1238 State St.

El Carboncito, Inc
El Carboncito
1764 University

Norma Alcazar
Las Brisas
1906 University

Mackinaws, LLC
Mackinaws Grill & Spirits
2925 Voyager

Confetti's, Inc.
Confetti's
217 E. Walnut

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