

MINUTES
PROTECTION & WELFARE COMMITTEE
Monday, June 30, 2014
City Hall, Room 207
5:00 p.m.

MEMBERS PRESENT: Ald. Wery, Ald. Tim De Wane, and Ald. Scannell
MEMBERS EXCUSED: Ald. Steuer
MEMBERS ABSENT: Ald. Steuer
OTHERS PRESENT: Jim Mueller–Asst. City Attorney, Capt. Muraski, and other interested parties.

1. Roll Call.

Ald. Wery, Ald. Tim De Wane, 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. Approval of the minutes from the June 2, 2014 meeting.

A motion was made by Ald. Tim De Wane and seconded by Ald. Scannell to approve the minutes from the June 30, 2014 meeting. Motion carried.

4. Application for a Class “B” Beverage License by Ricarda Vargas at 1207 E. Mason Street.

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

Ald. Wery opened the floor without objection.

Ricardo Vargas, 1010 Cherry Street, appeared and stated she will be operating a restaurant that’s already in existence, Taqueria Michaacan.

Ald. Wery inquired if Ms. Vargas was a citizen or here on a work visa. Ms. Vargas replied she is not a citizen. Atty. Mueller stated he discovered that the State issued Ms. Vargas a business tax registration certificate. Atty. Mueller inquired if Ms. Vargas was here legally. Ms. Vargas confirmed she is.

Atty. Mueller informed the Committee that he checked the State Statutes and City Ordinances and it isn’t clear if an individual needs a work visa. Ald. Wery directed Atty. Mueller to find out if this a requirement and report back at the Common Council meeting.

Ald. Wery returned to regular order of business.

A motion was made by Ald. Tim De Wane and seconded by Ald. Scannell to approve the application for a Class "B" Beverage License by Ricarda Vargas at 1207 E. Mason Street with the approval of the proper authorities, and contingent upon the resident status information from the City Attorney. Motion carried.

5. Request by Ultra Mart Foods, LLC for approval of appointed successor agent at 1819 Main Street.

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

A motion was made by Ald. Tim De Wane and seconded by Ald. Scannell to approve the request by Ultra Mart Foods, LLC for approval of appointed successor agent at 1819 Main Street. Motion carried.

6. 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 (postponed from the June 2, 2014 meeting).

Ald. Wery opened the floor without objection.

Doug Dimmer, 1600 Amy Street, appeared and stated they are cancelling the July 26 event. Mr. Dimmer stated that music will be played indoors and he will fence in the back of the building and install a porta potty. He is asking for an extension of his liquor license to serve alcohol in the back. Entrance to the back will be through the front of the building and security will check ID's.

Ald. Wery returned to regular order of business.

A motion was made by Ald. Scannell and seconded by Ald. Tim De Wane to approve the request by the owners of JD's Bar, 715 S. Broadway, to hold outdoor events on September 20 and 27, with music until midnight (postponed from the June 2, 2014 meeting). The approval of the request is subject to complaint. Motion carried.

7. Request by the owner of Brewski's, 1100 S. Broadway, to hold an outdoor event on July 19 (postponed from the June 2, 2014 meeting).

Atty. Mueller stated he had questions regarding event details such as fencing, security, will alcohol be served outside and when will the music end.

Ald. Wery opened the floor without objection.

Lisa Martinez, 1642 Eastman Avenue, appeared and stated that fencing and security will be in place, and ID's will be checked. There will not be any music. They are asking for an extension of their liquor license to serve in the outdoor area.

Ald. Wery returned to regular order of business.

A motion was made by Ald. Scannell and seconded by Ald. Tim De Wane to approve the request by the owner of Brewski's, 1100 S. Broadway, to hold an outdoor event on July 19 (postponed from the June 2, 2014 meeting). The approval of the request is subject to complaint. Motion carried.

8. Request by the owner of Molly McGees Irish Pub, 401 S. Washington, to hold an outdoor event on August 23.

Ald. Wery opened the floor without objection.

Tim Geraty, 2345 Sunny Lane, appeared and stated entrance to the enclosed outside area is through the bar only. Music will be until midnight. They are asking for an extension of their liquor license to serve outside. The event is actually for his wedding reception.

Capt. Muraski stated he wanted to make sure Mr. Geraty was aware that the music will be subject to complaint.

Ald. Wery returned to regular order of business.

A motion was made by Ald. Scannell and seconded by Ald. Tim De Wane to approve the request by the owner of Molly McGees Irish Pub, 401 S. Washington, to hold an outdoor event on August 23 with music until midnight. The approval of the request is subject to complaint. Motion carried.

9. Request by the owner of Cropsey's On State, 1336 State Street, to hold an outdoor event on August 23.

Ald. Wery opened the floor without objection.

Chad Gezella, 1135 Sherry Lane, appeared.

Atty. Mueller stated the City Attorney's Office has no objections. The request included detailed plans; however he wanted to make sure the Committee was aware the ending time would be 1:00 a.m. which would be subject to complaint.

Ald. Wery returned to regular order of business.

A motion was made by Ald. Tim De Wane and seconded by Ald. Scannell to approve the request by the owner of Cropsey's On State, 1336 State Street, to hold an outdoor event on August 23 with music until 1:00 a.m. The approval of the request is subject to complaint. Motion carried.

10. Request by the owner of Party Line Tavern LLC, 601 Bellevue Street, to hold an outdoor event on August 16, 2014.

Ald. Wery opened the floor without objection.

Atty. Mueller stated the City Attorney's Office has no objections; the request detailed their event plans.

Mike LaPlante, 601 Bellevue Street, appeared.

A motion was made by Ald. Tim De Wane and seconded by Ald. Scannell to approve the request by the owner of Party Line Tavern LLC, 601 Bellevue Street, to hold an outdoor event on August 16, 2014 with music until midnight. The approval of the request is subject to complaint. Motion carried.

11. Request by the owner of Kate's Hammer Time, 1693 E Mason Street, to hold an outdoor event on July 26, 2014.

Ald. Wery opened the floor without objection.

Kate Peters, 711 Eliza Street, Apt. 4, appeared and stated there will be music until midnight. The back area will be fenced in with security in place, and the only entrance is through the front of the bar.

Atty. Mueller stated the City Attorney's Office has no objections.

Ald. Wery returned to regular order of business.

A motion was made by Ald. Tim De Wane and seconded by Ald. Scannell to approve the request by the owner of Kate's Hammer Time, 1693 E Mason Street, to hold an outdoor event on July 26, 2014 with music until midnight. The approval of the request is subject to complaint. Motion carried.

12. Application to keep three dogs at 146 Thyme Place.

Ald. Wery stated approvals were given by the GBPD, Humane Officer and the Inspection Department. There were also two letters from neighbors regarding barking.

Atty. Mueller stated the City Attorney's Office has no objections.

Lee Kingston, 146 Thyme Place, appeared and stated they purchased a bark collar for the Weiner dog that does most of the barking. They don't leave the dogs sitting outside all day. They also have an invisible fence.

A motion was made by Ald. Tim De Wane and seconded by Ald. Scannell to approve the application to keep three dogs at 146 Thyme Place, 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.

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

Atty. Mueller stated the City Attorney's Office still recommends denial, based on the applicant's arrest record that includes a 5th DUI which is a felony and substantially relates to the licensed activity. The City Attorney's Office advice

has always been that you may not issue, by law, a license to that individual. Atty. Mueller stated the Committee may wish to hold this item up until item #14 is discussed.

Ald. Wery stated he hopes the Wisconsin League of Municipalities has an answer for this Committee before the next meeting and that this item could be held up until the next meeting. There are two issues regarding this applicant, one is his felony status and the other is whether or not restrictions can be placed on where the individual can serve or sell alcohol. Atty. Mueller recommended holding this item up until legal opinions are received.

Timothy Micolichuk, Jr. appeared and stated he can come back in a month for this item. Mr. Micolichuk, Jr. distributed a letter from his probation officer stating there haven't been any legal issues and he will be on probation until August 2016. The letter also states he cannot enter taverns and can only sell alcohol at Kwik Trip.

Ald. Wery stated he would like the State to clear up some of the legal parameters before making a decision on this item, as well as the felony issues and restrictions on the sale of alcohol.

A motion was made by Ald. Tim De Wane and seconded by Ald. Scannell to postpone until the next meeting the appeal by Timothy Micolichuk Jr. to the denial of his Operator License application. Motion carried.

14. Request by Ald. Wery to seek a written opinion from the Wisconsin League of Municipalities regarding bartender/operator licenses as it pertains to:

- 1) License restriction placed by the City to limit by location and/or type of business; and
- 2) WI State Statute 125.04(5)(b) Criminal Offenders - Define parameters, if any, that a Council may consider applicants with a felony that substantially relates to the licensed activity.

Atty. Mueller stated he could not find any opinions regarding operator license location restrictions. Atty. Mueller distributed a copy of the Wisconsin League of Municipalities opinion they put out in 1991 along with a supplement opinion from 2004 regarding the second request §125.04(5)(b) for the Committee's review. The opinion basically suggests consulting with the City Attorney. Atty. Mueller suggested a motion to approve would be appropriate at this time.

A motion was made by Ald. Scannell and seconded by Ald. Tim De Wane to approve the request by Ald. Wery to seek a written opinion from the Wisconsin League of Municipalities regarding bartender/operator licenses as it pertains to:

- 1) License restriction placed by the City to limit by location and/or type of business; and

- 2) WI State Statute 125.04(5)(b) Criminal Offenders - Define parameters, if any, that a Council may consider applicants with a felony that substantially relates to the licensed activity.

A motion was made by Ald. Scannell and seconded by Ald. Tim De Wane to adjourn the meeting at 5:30 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