

MINUTES
PROTECTION & WELFARE COMMITTEE
Monday, January 12, 2015
City Hall, Room 207
5:30 p.m.

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

NOTE: Item number #6 was taken after item #12

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. Approval of the minutes from the November 10 and December 4, 2014 meetings.

A motion was made by Ald. Scannell and seconded by Ald. Steuer to approve the minutes from the November 10 and December 4, 2014 meetings. Motion carried.

4. Application for one of eight available "Class B" Combination License by Funky Monkey, LLC at 405 W. Walnut Street.

The Green Bay Police Department (GBPD) and the City Attorney's Office didn't have any objections.

Ald. Wery opened the floor without objection.

Mary Vanden Boom, 405 W. Walnut Street, appeared and stated she is the property owner, but has since sold the Funky Monkey business. Ms. Vanden Boom stated they are rebranding themselves as the Historic West Theater as it was always their intention to bring back the theater. Their plan is to operate a dinner theater supporting the arts; however entertainment plans also include comedy nights as well as sporting events. They are working with City inspectors and are in the process of bringing the building into compliance and may open as soon as the Super Bowl. Ms. Vanden Boom stated she understands the business must run as a restaurant in order to obtain a liquor license. She reported the Funky Monkey electronic business will be on the left side of the theater and a gift shop will be on the right side. A new marquee will also be put into place.

Ms. Vanden Boom reported she purchased the two adjacent lots and is working with the City to develop the grass lot into a parking lot with drainage and lights. Due to the extensive costs of this project it may take awhile before it happens.

Ald. Steuer stated he is looking forward to the opening of this business. Ms. Vanden Boom replied that she is willing to give the Committee a pre-opening tour.

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 eight available "Class B" Combination License by Funky Monkey, LLC at 405 W. Walnut Street, with the approval of the proper authorities. Motion carried.

5. Notice of the change of agent for Bays Tundra Hospitality Corp. at 865 Lombardi Avenue.

The Green Bay Police Department (GBPD) and the City Attorney's Office didn't have any objections.

A motion was made by Ald. Steuer and seconded by Ald. Scannell to approve the notice of the change of agent for Bays Tundra Hospitality Corp. at 865 Lombardi Avenue. Motion carried.

6. Request by Ald. Wery to review, with possible action, the taxicab licensing ordinance, Section 6.21 (postponed from the October 13 and October 27, 2014 meetings).

Ald. Wery opened the floor without objection.

Kurt Wipperfurth (address unintelligible), Bellevue, appeared and stated the ordinance is vague and inquired when a new ordinance will be put into place and enforced. Mr. Wipperfurth stated he hasn't received answers for the questions he brought before this Committee in October 2014.

Mr. Wipperfurth reported he has had his vehicles inspected for 2015. Mr. Wipperfurth discussed the issues he had with posting vehicle rates according to the new ordinance. When questioned about what he would like in an ordinance, he responded the best solution would be to reinstate the former ordinance. Mr. Wipperfurth also stated other taxi businesses should be asked for their opinions as well before a new ordinance is passed. Mr. Wipperfurth stated the opinions the Committee is hearing tonight are strictly his own.

Ald. Wery returned to regular order of business.

Ald. Tom De Wane appeared and suggested that public notice be issued in order to garner other opinions before making any changes to the new ordinance. He stated that he has contacted other cab companies and they didn't share the opinions of Mr. Wipperfurth.

Atty. Leigl reported he spoke with Brad Toll of the Visitor's Convention Bureau who informed him that the hospitality training should take place in February.

Ald. Wery stated he put in a petition to the Common Council to discuss a new ride sharing program called Uber.

Ald. Wery asked the Committee if they would like to go back to the old ordinance, or go through the new one section by section and make any changes they deem necessary.

Ald. Steuer stated he has the same opinion as Ald. Tom De Wane, and would feel more comfortable if representatives from other cab companies were in attendance before making changes.

Ald. Scannell stated he agrees with this too, and would like to get more information regarding the hospitality training as well as the information on Uber before making changes to the ordinance.

Discussion that followed included not making changes until further information is discussed regarding Uber and the hospitality training.

A motion was made by Ald. Steuer and seconded by Ald. Tim De Wane to hold a special meeting for the request by Ald. Wery to review, with possible action, the taxicab licensing ordinance, Section 6.21 (postponed from the October 13 and October 27, 2014 meetings). Motion carried.

7. Appeal by Jeremy J. Kraebel 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.

Atty. Leigl stated Mr. Kraebel was formerly known as Jeremy J. Bastien and has a record dating back from 1997 through 2010. Mr. Kraebel's record includes multiple theft charges as well as three charges for operating while intoxicated (OWI). In 2006 there was a felony conviction for Possession with Intent to Deliver THC. Atty. Leigl reminded the Committee that according to State law if the charge substantially relates to the license activity, the applicant must then be denied.

Capt. Bongle stated that during the application approval process when felony charges that substantially relate to the license activity, such as the theft and OWI charges, it is their position to deny the applicant.

Ald. Wery opened the floor without objection.

Jeremy Kraebel, 301 Mather, appeared and distributed copies of letters of support from his employer and AODA counselor. He stated he still attends meetings and has a sponsor as well. Mr. Kraebel reported he is now alcohol and drug free, and currently resides at the New Community Shelter. Mr. Kraebel

stated part of his job requirements is to work alone, and he would lose the job if he isn't approved for the license.

Jeanine Snyder, 825 Elmore Street, appeared and stated she is the manager of Terry's EZ Go and that Mr. Kraebel is under constant video surveillance while at work. Ms. Snyder stated they decided to give Mr. Kraebel a chance despite his record, and he has fulfilled his job duties during his probation period. Ms. Snyder asked the Committee to give Mr. Kraebel a chance as well and approve the license.

Ald. Wery returned to regular order of business.

Ald. Scannell asked Atty. Leigl if there was a statute of limitations on felonies that substantially relate to the license. Atty. Leigl stated there was not, and that Mr. Kraebel's charge wasn't just for possession; it was for intent to deliver.

Discussion that followed included if State law would be violated if the application is approved, and if a stipulation could be put into place to allow for a six month trial.

Atty. Leigl stated if the Committee chooses to approve, their option is to decide that Mr. Kraebel's record does not substantially relate to the licensing activity. Atty. Leigl also stated the Committee has approved individuals with multiple felonies in the past, and has also denied them.

Ald. Steuer inquired if the City Attorney's Office kept a record of individuals the Committee approved of who had felonies that substantially relate to the licensing activity and if they follow up on these individuals to see if they have remained crime free. Atty. Leigl stated this is not being done. In order to do something like this, each individual would have to be listed and their records would have to be checked one by one; it certainly is possible to do, however it would be a long manual process. Ald. Steuer stated that he would feel more comfortable knowing that an individual they approved was staying out of trouble and is going to put in a request at the next Council meeting that the City Attorney's Office follow up on this. Atty. Leigl stated that every time an individual renews, they do go through another background check process.

A motion was made by Ald. Steuer and seconded by Ald. Tim De Wane to approve the appeal by Jeremy J. Kraebel to the denial of his Operator License application. Motion carried.

8. Appeal by Joshua Kubichek 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. Mr. Kubichek's record contains multiple criminal damage to property convictions, as well as several disorderly conduct and possession of drug paraphernalia charges. Atty. Leigl stated that these charges may not necessarily be viewed as substantially relating to the licensed activity, however they do show that Mr. Kubichek is a habitual offender which is grounds for denial.

Capt. Bongle stated Mr. Kubichek's record also includes failure to report to jail and noncompliance with the courts, therefore the GBPD also recommends denial.

Ald. Wery opened the floor without objection.

Joshua Kubichek, 1830 Western Avenue, appeared and stated the last violation was in 2009. At that time he was a teenager hanging out with the wrong crowd, drinking and making bad decisions. Mr. Kubichek states he is now 28 years old and has four small children that rely on his income. He is currently employed at the Express gas station on Dousman. Mr. Kubichek stated he doesn't drink alcohol or associate with past friends, and works as security at a bar on the weekends. Mr. Kubichek stated he would like an opportunity to prove he can abide by the rules and be an asset to the City.

Debbie Eikmeyer, (address unintelligible), appeared and stated she is the manager at the gas station. She reported that Mr. Kubichek has worked there for approximately three months and is a very solid employee who works the grave yard shift; and that it is difficult to find people to work that shift in that particular area. She stated Mr. Kubichek has a positive attitude and comes in on his days off if they need him.

Ald. Wery returned to regular order of business.

Discussion that followed centered on the time lapse since Mr. Kubichek has had any criminal conduct.

A motion was made by Ald. Scannell and seconded by Ald. Tim De Wane to approve the appeal by Joshua Kubichek to the denial of his Operator License application. Motion carried.

9. Appeal by Greg Bastien to the denial of his Solicitor License application.

Atty. Leigl stated the City Attorney's Office doesn't have any objections for this applicant; however he would like to note the applicant does have a conviction record and would like the Committee to take the opportunity to address it with Mr. Bastien.

Capt. Bongle stated the GBPD denied the application based on the felony; however a substantial amount of time has passed since Mr. Bastien has had any more criminal convictions.

Ald. Wery opened the floor without objection.

Greg Bastien, 3526 Blackwolf Run, appeared and stated he is currently doing contract work for AT&T and had previously worked for Time Warner. Mr. Bastien reported that AT&T is aware of his background and supports his employment with them. His job duties include taking orders for phone or cable service from customers and there is no money exchanged.

Mr. Bastien admitted he received a citation last November for not having a solicitor's permit. He stated he was unaware that he needed it, and has since paid the fine. Mr. Bastien reported he was approved by the City of Appleton for a solicitor permit.

Jonathan Reinhardt, 3169 E. Ottertail Ct., appeared and stated he has known Mr. Bastien for ten years and considers him to be an outstanding citizen.

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 appeal by Greg Bastien to the denial of his Solicitor License application. Motion carried.

10. Appeal by Daryl Cleveland Sr. to the denial of his Public Vehicle Operator 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.

Capt. Bongle states although a substantial amount of time has passed, the GBPD recommends denial as well due to the sexual assault on record.

Ald. Wery opened the floor without objection.

Daryl Cleveland Sr., 3017 Gemini Road, appeared and stated he was approved in the mid to late 90's for a public vehicle license. He let it lapse when he went into the restaurant business. Mr. Cleveland stated that due to recent knee surgery, he can no longer stand all day and wants to go back to driving a cab. He admitted he made very bad decisions when he was young, but he has changed as his record proves and needs this job to make his house payments. Mr. Cleveland Sr. stated that without an education it's very hard to find jobs where you're not standing on your feet all day.

Ald. Wery returned to regular order of business.

A motion was made by Ald. Scannell and seconded by Ald. Steuer to approve the appeal by Daryl Cleveland Sr. to the denial of his Public Vehicle Operator application. Motion carried.

11. Appeal by Lisa Larson to the denial of her 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 which included manufacturing and delivery of cocaine.

Nobody appeared for this item.

A motion was made by Ald. Scannell and seconded by Ald. Steuer to deny the appeal by Lisa Larson to the denial of her Operator License application. Motion carried with Ald. Tim De Wane abstaining.

12. Appeal by Jerrid Brady 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. Mr. Brady does have a 2011 felony for possession of THC with intent to deliver.

Capt. Bongle stated the GBPD concurs with the denial.

Ald. Wery opened the floor without objection.

Jerrid Brady, 2833 Mt. Mary Circle, appeared and stated he did make some bad decisions in the past. During his three year incarceration he studied for and received his GED. Due to his past he has had trouble finding employment. Mr. Brady stated he is in treatment at this time. He is currently employed at Superior Liquor, who was willing to give him a chance, and is trying to turn his life around.

Atty. Leigl stated that Mr. Brady's counselor, Tara (last name unintelligible), contacted him and reported that Mr. Brady was doing very well.

Ald. Wery returned to regular order of business.

Discussion that followed centered on what amount of THC constitutes a felony charge and the amount of time that has passed since Mr. Brady has had any criminal charges.

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

A motion was made by Ald. Scannell and seconded by Ald. Steuer to adjourn the meeting at 7:10 p.m. Motion carried.