

MINUTES
PROTECTION & WELFARE COMMITTEE
Monday, August 4, 2016
City Hall, Room 207
3:00 p.m.

MEMBERS PRESENT: Ald. Dorff, Ald. Galvin, Ald. Scannell
MEMBERS EXCUSED: Ald. Zima
MEMBERS ABSENT: None
OTHERS PRESENT: Asst. City Atty Joe Faulds
Captain Keith Knobel
Other interested parties.

1. Roll Call.
The meeting was called to order Chairman Scannell at 3 p.m.
2. Approval of the Agenda.
Items were taken out of order, although shown in proper format here.
#9 after #3. Also noted was that the date in #8 was changed from
September 24 to September 10.

Moved by Ald. Galvin, seconded by Ald. Dorff to approve the agenda as modified. Motion carried.

3. Approval of the minutes from the July 11, 2016 meeting.
Amendment to #17 of the last minutes, "It was explained that the development of tan ordinance will provide a vehicle to contact residents with lead services owned by them and require them to work with the City to replace their lead service in a timely manner. At this time, private service lines needing replacement have been identified and involve approximately 210 homes. Funding has been established for this program through the City and there is the potential of additional dollars being made available through a DNR Safe Drinking Water Loan Program.

Ald. Zima noted that the cost of the program is not specifically addressed in the ordinance. Staff explained that his document is primarily a vehicle to inform residents that their service needs to be replaced. When further information on the funding is available, the committee will be informed. It is estimated to cost approximately \$3000 on average per property to replace the property owned service line. The City has committed \$300,000 to assist homeowners with the replacement costs. There are approximately 40 properties that have lead on the property owner side and Utility owned portion of the service and therefore both sides of the service needs to be replaced at the same time. The remaining 170 estimated properties with lead on the property owner's side are properties where the utility owned side of the service is not lead.

Moved by Ald. Dorff , seconded by Ald. Galvin to approve the minutes from the July 11, 2016 meeting as amended. Motion carried.

(Moved to #9 on the agenda)

4. Consideration with possible action on notice of the change of agent for Ultimate Mart, LLC, Copps Foods, at 1819 Main Street.

No objection from the City Attorney's Office or the Police Department.

Motion made by Dorff, seconded by Galvin to approve the notice of the change of agent for Ultimate Mart, LLC, Copps Foods, at 1819 Main Street.

Motion carried.

5. Consideration with possible action on an appeal by Everett Olson to the denial of his Operator License application.

City Attorney's Office recommends denial. Police Department agrees.

Motion made by Ald. Dorff, seconded by Ald. Galvin to open the floor to allow interested parties to speak. Motion carried.

Everett Olson – Dousman Street, Green Bay

Mr. Olson stated he has taken the course for an operator's license. Although he is aware of State legislative laws which may recommend denial of his request because of his background, Mr. Olson is asking for consideration. He stated that he is willing and able to serve alcohol despite his past. Mr. Olson explained that as a child he was in foster care and moved around a lot. His mother was a drug addict who stole to get by. Other family members have spent time in prison. At the age of 18, he was on the streets, no programs available that he was aware of, and within a year out of the state foster system, he was arrested for sexual assault. The assault was not violent, however, was statutorily wrong. This felony has caused him to be "blackballed" from several jobs and he has been told by employment agencies that the felony is the reason he is turned away from jobs he knows he would be capable of doing. He is not a habitual offender, although stated he has also had charges of disorderly contact and driving while drinking, noting that the last charge was seven years ago. Olson stated he has not always been in agreement with the way the system works noting, however, that he is trying to take his bad situation and make it better. He is married and would like the opportunity to provide for his family.

Ald. Dorff stated she was disturbed by some of Mr. Olson's comments, one being that he was not happy with the way the system worked when he was growing up, causing him to do some of the things he did. Ald. Dorff asked what has changed.

Mr. Olson explained that although he has not always agreed with the way the total system works, he was happy to be able to come before this committee to speak. He noted there was a time he was before the City Council to discuss living in the Green Bay area and he was not given a voice or allowed to speak. There are still things he does not agree with such as the child foster system, police calls that end up in charges of resistance when only trying to explain the situation, having to check felon on a job application, etc. Olson stated that at times he feels like a "man without a country" when he is held back from getting a

job and moving forward. He feels he has learned to take responsibility and does not make excuses, indicating that sometimes things just happen. Olson stated he has two family members on the Green Bay Police Force. He would like to see himself looked at as an individual.

Although Mr. Olson stated he had not been arrested in seven years, Ald. Dorff pointed out records show an OWI charge in 2012. Ald. Dorff noted 25 municipal court charges, some being dismissed, for disorderly conduct, resisting, etc. Olson responded that these charges have occurred at times just because he was in the "wrong place" and with others and was trying to explain the situation even though he was not directly involved.

Ald. Galvin questioned Mr. Olson's attempt to improve himself by being a bartender. Mr. Olson indicated this is a first step, that he is employed at a restaurant, however, being a bartender would enhance his position and his salary. When asked if he could pursue a career as a cook, Olson stated he has worked in a cooking position and in production but would like to instead work with the general public. Olson is 30 years old. Galvin also pointed out Olson's extensive arrest record, noting they are only getting his side of the story, and it appears that he has had a continued disregard for the law. Galvin asked what Mr. Olson can say to guarantee if granted approval that he will stay out of trouble. Olson could only say that he is capable and acts professional at his current job. He would like the opportunity to prove himself.

Galvin asked how Mr. Olson would act if the police were called to the establishment he is working at to deal with a confrontation. Olson stated if he feels citizen's rights are being violated, he may speak up, however, he would not deny information and he would be cooperative. Olson opined these are two different issues, and should not interfere with him getting a bartender license.

Motion made by Ald. Dorff, seconded by Ald. Galvin to return to regular order of business. Motion carried.

Scannell explained that any action taken at this committee meeting will go to the next City Council meeting for final action.

Ald. Galvin understands Mr. Olson has requested reimbursement of his application fee if he is denied. Ald. Scannell noted that if denied at Council, the P&W Committee could grant this request.

Ald. Dorff stated she had grave concerns, indicating she didn't hear enough from Mr. Olson that he would take responsibility for his actions in the future and be willing to make changes. However, she stated, if Mr. Olson has a few years without any further law violations, she would be willing to reconsider his request for an operator's license.

Ald. Galvin opined that everyone deserves a second chance, however, agreed that Mr. Olson does not seem to have accepted responsibility for his past actions noting that he seems to blame the police more than himself. Some of Mr. Olson's past actions would not have a bearing on his being a bartender,

however, Galvin stated he was not satisfied by Mr. Olson's reply to his questions regarding future altercations with police.

Ald. Scannell stated he found Mr. Olson articulate for his age. In similar situations in the past he has based his approval on length of time since the last offense. However, in this case, he does not feel that enough time has occurred and would recommend denial. Scannell stated it was unfortunate his employer was not present to speak on his behalf, suggesting that the employer try to make the Council meeting. Scannell pointed out that Mr. Olson appears to have a combative nature, noting that at times it is better to step back even if feeling the situation is being mishandled as it is not his call to make.

Motion made by Ald. Galvin, seconded by Ald. Dorff to approve denial of an appeal by Everett Olson to the denial of his Operator License Application.

Motion made by Ald. Dorff, seconded by Ald. Galvin to open the floor to allow interested parties to speak. Motion carried.

Everett Olson – Asked how many would be voting at the Council meeting and was told 12. Ald. Scannell again encouraged Mr. Olson to bring in as much support as he can and think about how he can be more cooperative. Olson stated he would be on vacation in North Carolina and would be unable to make the City Council meeting on August 16th.

It was suggested that this item be held until the next Protection & Welfare meeting in September at which time if it is again denied, it be with the caveat that Mr. Olson be reimbursed his application fee.

Motion made by Ald. Dorff, seconded by Ald. Galvin to return to regular order of business. Motion carried.

Motion withdrawn by Dorff, seconded by Galvin the motion to approve denial of an appeal by Everett Olson to the denial of his Operator License Application. Motion carried.

Motion amended by Galvin, seconded by Dorff to hold open the appeal by Everett Olson to the denial of his Operator License application until the September Protection & Welfare Committee meeting. Motion carried.

6. Consideration with possible action on request by the owners of Buddha's Still Sports Bar & Grill, 2148 University Avenue, to hold an outdoor event on August 28.

No objections from the City Attorney's Office, nor from the Police Department. Ald. Dorff asked to abstain from the vote.

Motion made by Ald. Galvin, seconded by Ald. Scannell to approve the request by the owners of Buddha's Still Sports Bar & Grill, 2148 University Avenue, to hold an outdoor event on August 28.

Ayes: Scannell, Galvin Abstain: Dorff Motion carried.

7. Consideration with possible action on request by Green Bay Sportservice, Inc., 1265 Lombardi, to hold an outdoor event on September 3.

No objections from the City Attorney's Office, nor from the Police Department.

Motion made by Ald. Dorff, seconded by Ald. Galvin to approve the request by Green Bay Sportservice, Inc., 1265 Lombardi, to hold an outdoor event on September 3. Motion carried.

8. Consideration with possible action on request by Brewski's on Broadway, 1100 S. Broadway, to hold an outdoor event on September 10.
(Changed from Sept 24).

No objections from the City Attorney's Office, nor from the Police Department.

Motion made by Ald. Galvin, seconded by Ald. Dorff to approve the request by Brewski's on Broadway, 1100 S. Broadway, to hold an outdoor event on September 24. Motion carried.

9. Consideration with possible action on request by Hyatt Hotel, 333 Main Street, to include an outdoor space as part of their licensed premises, which was previously discussed at July 11, 2016 Protection and Welfare Meeting.
Staff member reported he was informed there is an agreement between the RDA and the Hyatt and that there is no problem with allowing this outdoor space.

Motion made by Ald. Dorff, seconded by Ald. Galvin to approve the request by Hyatt Hotel, 333 Main Street, to include an outdoor space as part of their licensed premises, which was previously discussed at July 11, 2016 Protection and Welfare Meeting. Motion carried.

(Return to #4 on the agenda)

10. Consideration with possible action on application for a "Class B" Combination License by Sarah Melissa Wolf, at 636 Lime Kiln Road (Formerly Whiskey Bay).

No objections from the City Attorney's Office, nor from the Police Department.

Motion made by Ald. Galvin, seconded by Ald. Dorff to open the floor to allow interested parties to speak. Motion carried.

Sarah Melissa Wolf

Ald. Galvin noted that Ms. Wolf previously worked for Nick's on Main Street where there have been issues going back some time. Ms. Wolf stated these incidents happened before she worked at Nicks, noting that she left this past year after having worked for two years.

Motion made by Ald. Dorff, seconded by Ald. Galvin to return to regular order of business. Motion carried.

Motion made by Ald. Dorff, seconded by Ald. Glavin to approve the application for a "Class B" Combination License by Sarah Melissa Wolf, at 636 Lime Kiln Road (Formerly Whiskey Bay). Motion carried.

11. Consideration with possible action on application for an available "Class B" Combination License by El Presidente, Green Bay LLC, at 219 N. Washington Street.

No objections from the City Attorney's Office, nor from the Police Department.

Motion made by Ald. Galvin, seconded by Ald. Dorff to open the floor to allow interested parties to speak. Motion carried.

Marco La Porta

Ald. Galvin asked if this business is currently a tavern. Mr. Marco La Porta replied that it is a vacant building. Ald. Galvin asked the City Attorney's office if there is a moratorium on liquor licenses in the downtown area

City Attorney's, Vanessa Chavez, staff understood the city was looking forward to this business opening, but agreed to check on any moratorium. She indicated that although licenses may be available in certain downtown areas, it was with the idea to limit their number.

Ald. Scannell asked if it would be a problem to hold for one month and Mr. La Porta stated he did plan to open the El Presidente in mid-September, noting there is a second location in DePere.

Motion made by Ald. Dorff, seconded by Ald. Galvin to return to regular order of business. Motion carried.

Motion made by Ald. Galvin, seconded by Ald. Dorff to approve the application for an available "Class B" Combination License by El Presidente, Green Bay LLC, at 219 N. Washington Street. Motion carried.

Ald. Scannell noted that staff will be reviewing the moratorium and if they find a problem they will inform the committee before final action by the City Council.

12. Consideration with possible action on application for a "Class B" Combination License by El Tapatio Bar & Grill, LLC, at 1706 Main Street. (Currently Maldanados).

No objections from the City Attorney's Office, nor from the Police Department.

Motion made by Ald. Dorff, seconded by Ald. Galvin to approve on application for a "Class B" Combination License by El Tapatio Bar & Grill, LLC, at 1706 Main Street. (Currently Maldanados). Motion carried.

13. Consideration with possible action on request by the Village of Ashwaubenon for the City to transfer three (3) of its "Class B" reserve combination licenses to the Village pursuant to Wis. Stat. S125.51(4) (e).

City Attorney Vanessa Chavez addressed this request, explaining the requirements by the State related to cost of each license, right of first refusal, etc.

Ald. Galvin asked for more information relative to a newspaper report he read that the State was considering opening more licenses for Ashwaubenon. He clarified his understanding that once sold at a cost of \$500 per year, Green Bay could get the license back if not currently being used at no cost.

Ald. Dorff referred to #8 of the City Ordinance.

When asked how many licenses Green Bay were available, legal counsel was unclear.

Motion made by Ald. Dorff, seconded by Ald. Galvin to open the floor to allow interested parties to speak. Motion carried.

Michael Aubinger- Village of Ashwaubenon

The Village has met with State representatives to discuss how the number of liquor licenses could be increased. They were told the State would grant them one license at a cost of 3,000, however, others may be available from other communities. As Green Bay has the most available licenses, they met with Mayor Schmidt who informed them the process would begin with this committee. He stated that Ashwaubenon is looking to obtain 3 to 4 licenses eventually.

Motion made by Ald. Scannell, seconded by Ald. Galvin to return to regular order of business. Motion carried.

Motion made by Ald. Dorff, seconded by Ald. Galvin to approve the request by the Village of Ashwaubenon for the City to transfer three (3) of its "Class B" reserve combination licenses to the Village pursuant to Wis. Stat. S 125.51 (4) (e). Motion carried.

(City Attorney's office later reported that a call had been received clarifying that there is presently no moratorium on liquor licenses in the downtown area.)

14. Consideration with possible action a request by Ald. Scannell to amend the Mobile Food Establishment Ordinance during Packer games.

Ald. Scannell explained that the present ordinance does not allow food trucks in residential areas. He referred to a map and language from the ordinance included in packet material.

City Attorney's office noted that if the Council requests any changes, the ordinance will need to be amended and a zone created. He also noted that food trucks are not permitted to be on private property, although residential vehicles are allowed.

Ald. Galvin noted there is already some concern with temporary residential homes in the football district which make money to park cars. Galvin opined this is a similar avenue and he would like to hear from permanent residents of the area. There have already been complaints of trash left in residential yards on game days.

Ald. Scannell stated he has been approached by an individual interested in this possibility.

Attorney's Office suggested the committee consider referral to the Plan Commission.

Motion made by Ald. Galvin, seconded by Ald. Dorff to refer the request by Ald. Scannell to amend the Mobile Food Establishment Ordinance during Packer games to the Plan Commission. Motion carried.

15. Consideration of the request by Ald. Zima that the City Attorney provide a lettered opinion to the City Council, as well as the citizens of Green Bay, regarding the constitutionality of the following:
 - a. The City of Green Bay's Code of Conduct
 - b. The application of the City of Green Bay's Ethics Code outside of financial conflicts.

The City Attorney's Office addressed this issue, explaining staff opinion and the risk involved.

Ald. Galvin noted that the Code of Conduct and the Ethics Code were written some years ago. Response from legal was that if there are errors, revisions can be recommended and sent to the Ethics Committee for consideration.

Ald. Galvin noted that Ald. Zima has requested a legal opinion be drafted by the City Attorney's Office and sent to the City Council. City Attorney Chavez explained there is no legal way for the Law Department to do this and would recommend that an outside attorney be hired to determine the constitutionality of the request.

Motion made by Ald. Scannell, seconded by Ald. Galvin to receive and place on file the request by Ald. Zima that the City Attorney provide a lettered opinion to the City Council, as well as the citizens of Green Bay, regarding the constitutionality of the following:

- a. The City of Green Bay's Code of Conduct
- b. The application of the City of Green Bay's Ethics Code outside of financial conflicts.

Motion carried.

Motion made by Ald. Dorff, seconded by Ald. Galvin to adjourn at 4:17 p.m.
Motion carried.

Respectfully submitted,

Rae G. Knippel