

MINUTES
PROTECTION & WELFARE COMMITTEE
Monday, October 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: Kristen Bohnert–Asst. City Attorney, Capt. Laux, and other interested parties.

NOTE: Item #5 was moved to follow Item #9

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 September 28, 2015 meeting.

A motion was made by Ald. Scannell and seconded by Ald. Steuer to approve the minutes from the September 28, 2015 meeting. Motion carried.

4. Request from the Green Bay Police and Fire Departments to amend Green Bay Municipal Code 27.501(4) relating to the application and procedure for alarm user permits.

Atty. Bohnert stated the City Attorney's Office was approached by the Green Bay Police (GBPD) and Fire Departments (GBFD) regarding issuance of permits, permit fees and violations.

Ald. Wery opened the floor without objection.

Chief Mike Nieft, GBFD, appeared and stated they asked for a meeting to receive clarification due to the fact both departments were billing customers without each other's knowledge due to two conflicting databases, and because customers were confused regarding commercial and residential fees. The GBFD was discovering that business owners were not applying for permits and were also disconnecting existing fire alarms. They wanted to add language to the ordinance that altering or disabling fire alarms was not allowed and that permits must be applied for. Chief Nieft stated that when they enter a premise and discover an alarm there that was never applied for, that business is notified and entered into the system and an annual notice is mailed to them.

Melanie Skalmoski, GBPD Crime Prevention Coordinator, stated they have different reasons for permits. The GBPD use permits to collect information so when they receive a panic or burglar call, they know who to contact regarding the call such as the business or home owner, a family member or a neighbor. The GBPD receives thousands of false alarm calls a year. Many times a false alarm will repeatedly go off at the same business. There isn't a charge for the first false alarm; however any further false alarms will be billed for police or fire response.

Discussion that followed included combining the two databases, fees charged for residential and commercial alarms, placing the Clerk's office in charge of collecting fees, and efficiencies that will be created.

A motion was made by Ald. Steuer and seconded by Ald. Tim De Wane to approve the request from the Green Bay Police and Fire Departments to amend Green Bay Municipal Code 27.501(4) relating to the application and procedure for alarm user permits and to report back in six months as to the efficiency of the changes. Motion carried.

5. Request by Ald. Nicholson to review, with possible action, the Animal Control Policy that deals with trapping animals in the City of Green Bay.

Ald. Wery stated he spoke with Ald. Nicholson who wanted the City to start trapping skunks.

A motion was made by Ald. Scannell and seconded by Ald. Steuer to refer to the Green Bay Animal Control Officer the request by Ald. Nicholson to review, with possible action, the Animal Control Policy that deals with trapping animals in the City of Green Bay. Motion carried.

6. Request by Ald. Steuer on behalf of Amanda Patterson, to amend her license to include serving alcohol on the City right-of-way in front of Café Madrid, 154 N. Broadway.

Ald. Steuer stated that he has met with Amanda several times to discuss this item.

Atty. Bohnert stated that Ms. Patterson received permission from the Improvement and Service Committee to place chairs and tables on the right-of-way outside her business. The City Attorney's Office isn't opposed to Ms. Patterson's request; however they would like to receive some clarification on Ms. Patterson's plans.

Capt. Laux stated the GBPD doesn't have any objections, they believe it's a good idea for the downtown area; however they want some set rules in place. Capt. Laux stated that the right-of-way was inadvertently approved as a patio on Ms. Patterson's liquor license and she was serving alcohol outside. There weren't any problems until recently and Ms. Patterson immediately complied with the orders she was given.

Ald. Wery opened the floor without objection.

Atty. Bohnert stated some general requirements should be put into place such as alcohol to be served is in plastic containers and 50% of the outside sales should come from food.

Amanda Patterson-Luedtke (address unintelligible), appeared and admitted she had been serving alcohol outside since 2014 without knowing it was against the City ordinance. Ms. Patterson-Luedtke stated that she is willing to do whatever the City asks of her in order to serve alcohol outside.

Ald. Tim De Wane excused himself from the meeting.

Ms. Patterson-Luedtke stated their business is a restaurant and not a bar, individuals don't come into her business to get drunk. The kitchen is open until midnight on Friday and Saturdays and all purchases to be consumed outside are placed in plastic containers. There is an area to the side of the business where they could set up tables; however since there isn't a window on the side of the business they wouldn't be able to observe this area.

Ald. Steuer stated he likes the concept of being served alcohol with your food outside and stated that it would be difficult for Ms. Patterson-Luedtke to follow the ordinance guidelines regarding the right-of-way.

Ald. Wery returned to regular order of business.

Discussion that followed to amend the ordinance included waiving the 6' fence requirement, requiring hold harmless agreements, setting a standard that the percentage of alcohol sale has to be lower than food sales, serving alcohol in plastic containers from inside the premises to the outside, allowing alcohol sales only during special events with permission of event promoter, allowing alcohol sales all the time, and having the outdoor area controlled. The City Attorney's Office was requested to bring back a draft these changes at the next meeting.

A motion was made by Ald. Scannell and seconded by Ald. Steuer to approve the request by Ald. Steuer on behalf of Amanda Patterson, to amend her license to include serving alcohol on the City right-of-way in front of Café Madrid, 154 N. Broadway. Motion carried.

7. Notice of the change of agent for Apple Hospitality Group, LLC at 2420 East Mason Street (referred back from the October 6, 2015 Common Council Meeting).

Atty. Bohnert stated the City Attorney's Office would recommend denial based on the applicant's 2006 felony conviction.

Nobody appeared for this item.

A motion was made by Ald. Scannell and seconded by Ald. Steuer to deny the notice of the change of agent for Apple Hospitality Group, LLC at 2420 East

Mason Street (referred back from the October 6, 2015 Common Council Meeting). Motion carried.

8. Appeal by Todd Dane to the denial of his Operator License application.

Atty. Bohnert stated the City Attorney's Office would recommend denial based on the applicant's 2014 felony conviction for maintaining a drug trafficking place. There is also a pending criminal matter in Manitowoc County for drug paraphernalia charges.

Capt. Laux stated the GBPD also recommends denial for the same reasons.

Ald. Wery opened the floor without objection.

Todd Dane, 3664 Bellevue Place, Two Rivers, appeared and stated he has been employed as a supervisor at Lambeau for approximately four months and needs to have the operator license in order to keep his full time job. Mr. Dane also reported that maintaining full time employment is a requirement of his probation. Mr. Dane stated that he shouldn't be punished for the rest of his life for this mistake, and that he has completely turned his life around.

Ald. Steuer informed Mr. Dane that this Committee will look at the extenuating circumstances of the felony, such as the length of time the crime was committed and if there has been any trouble since. Ald. Steuer stated that it was just last year that Mr. Dane was convicted and asked Mr. Dane if he could inform the Committee why he was charged.

Mr. Dane stated that due to a change of prescriptions in 2014 he had two unused Fentanyl patches which were prescribed to him. At that time he wasn't employed, was short on money to pay his mortgage, and made the mistake of selling these patches which was why he was charged with a felony. He pled guilty to the charges from Manitowoc, and added that was the last time he did drugs. He is attending a private behavioral health center, attends AA meetings, and has been clean for five months. Mr. Dane stated he loves his job at Lambeau and doesn't want to lose it. Ald. Steuer informed Mr. Dane that he could still work at Lambeau without a license as long as somebody he is working with is licensed.

Capt. Laux questioned if Mr. Dane would actually lose his job if he didn't have the license or just lose the ability to continue as a supervisor. Mr. Dane replied that he wouldn't be able to continue being a supervisor and it would also affect his ability to work in the catering department. Mr. Dane stated that he could step down however he would also lose the higher amount of pay which he couldn't afford to do at this point.

Ald. Steuer stated he is glad that Mr. Dane was truthful regarding his convictions; however he doesn't think enough time has passed to feel comfortable approving the license.

Ald. Scannell inquired if a stipulation could be placed upon Mr. Dane's license that if he stopped going to rehab his license could be revoked. Atty. Bohnert stated she could investigate this.

A motion was made by Ald. Wery and seconded by Ald. Steuer to deny the appeal by Todd Dane to the denial of his Operator License application.

9. Appeal by Jerry Lochman to a chronic nuisance charge at 516 Baird Creek Road.)

Atty. Bohnert stated this property was a deemed chronic nuisance by the GBPD and was billed \$200 for police response to a call.

Capt. Laux stated that Mr. Lochman received written warnings in January and February of 2014 for maintaining a chronic nuisance property. He received his first qualifying call March 15, 2014, the second on June 19, 2014 and the third call on July 2014. A certified letter to Mr. Lochman was returned because he refused to sign for it. Further attempts to contact Mr. Lochman were unsuccessful until a notice was posted on his building. Mr. Lochman's daughter contacted the GBPD and stated she would meet with them representing her father and his property. An abatement meeting was held July 16, 2014 and a citation was issued. On January 24, 2015 a warrant arrest was issued at this property; however the GBPD chose at that time not to bill Mr. Lochman for it even though they had that option. On August 27, 2015 the GBPD answered a disturbance call and billed Mr. Lochman \$200 for that call.

Capt. Laux stated that Mr. Lochman signed up for the landlord assistance program and he will now be notified of calls to his property. Capt. Laux stated that for the amount of time the police have had to deal with this property and for having to attend this meeting, the fee is very minimal.

Capt. Laux reported there have been 68 calls for police assistance since July 2013 and distributed information regarding these calls. Ald. Steuer inquired if in the future they could receive information prior to the meetings any calls regarding a chronic nuisance property.

Ald. Wery opened the floor without objection.

Jerry Lochman, 2161 Lakeside Place, appeared and stated landlords aren't given notice when their tenants are arrested and he didn't know about the first qualifying call. Mr. Lochman stated he has to work with the law when evicting tenants and that takes time, he can't just kick someone out of his apartment without proper notice. He stated he does run background checks on his tenants and recently added a disclosure in his lease regarding police calls to a tenant's apartment. Mr. Lochman denied he was trying to avoid contact with the GBPD.

Atty. Bohnert stated that Mr. Lochman was found guilty at municipal court regarding the citation for maintaining a chronic nuisance property and is appealing the conviction to the circuit court.

Ald. Scannell encouraged Mr. Lochman to continue working with the GBPD, Ald. Steuer concurred and stated that landlords have to take responsibility for their tenant's actions.

Ald. Wery returned to regular order of business.

Atty. Bohnert clarified that a citation doesn't need to be issued in order to bill for police service.

A motion was made by Ald. Steuer and seconded by Ald. Scannell to deny the appeal by Jerry Lochman to a chronic nuisance charge at 516 Baird Creek Road.) Motion carried.

A motion was made by Ald. Steuer and seconded by Ald. Scannell to adjourn the meeting at 7:50 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