

MINUTES
PROTECTION & WELFARE COMMITTEE
Monday, October 24, 2016
City Hall, Room 207
5:00 p.m.

MEMBERS PRESENT: Chairperson Ald. Scannell, Vice Chairperson Ald. Dorff,
Ald. Galvin, Ald. Zima
MEMBERS EXCUSED: None
MEMBERS ABSENT: None
OTHERS PRESENT: City Atty Vanessa Chavez
Captain Laux
Ald. Steuer

1. Roll Call.
The meeting was called to order Chairman Scannell at 5 p.m.
2. Approval of the Agenda.
Moved by Ald. Galvin, seconded by Ald. Dorff to approve the agenda as presented. Motion carried.
3. Approval of the minutes from the October 10, 2016 meeting.
Moved by Ald. Zima, seconded by Ald. Dorff to approve the minutes from the October 10, 2016 meeting as presented. Motion carried.
4. Consideration with possible action on an application for a Class "A" Beverage and "Class A" Liquor License by Badimaalika, LLC at 1465 University Avenue (currently Pit Row).

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

Ald. Zima stated that during a recent visit to the Minneapolis area, he read in the newspaper where the City Council had voted down the sale of beer and liquor in grocery and convenience stores. It was confirmed that at this time Badimaalika sells beer only and find themselves in competition with other businesses in the area.

Zima asked that it be shown in the record that he will not vote for hard liquor sales in convenience or grocery stores any longer in an attempt to reduce liquor sales. He noted that since cigarette advertising has decreased so has the use.

Ald. Galvin questioned the change in policy given that Ald. Zima has been on the Council for 40 years. Galvin noted that his neighborhood gas station not only sells liquor, it is not behind a counter. He asked if it is Zima's goal to take beer and wine out of all gas station/convenience stores. Although stating he is well aware of the effects of alcohol as he is a police officer, Galvin asked what is fair to proprietors who are trying to make a living. He expressed a concern about granting licensing to some and not to others.

Ald. Zima responded that he has been against the sale of hard liquor for years in grocery stores, gas stations, convenience stores, anything but in a liquor store. He feels the question comes down to what the City wants to promote - profit to the owner, or harm to neighborhoods and families. He noted that he has ridden with police officers when on duty and has seen the effects of too much alcohol particular in the inner city. He noted he has been to countries where there are strict rules against liquor sales and that it can only be purchased during certain hours. He believes that with less access, the less casual drinking will occur. He stated he has voted consistently against liquor or beer in grocery stores or convenience stores.

Ald. Scannell asked if it would be a true statement that Ald. Zima has voted no on all past requests to sell alcohol other than in a liquor store since he has been on this committee or on the City Council. Zima responded that he is making an attempt to change the culture.

Ald. Dorff stated she appreciates Ald. Galvin's remarks, noting it is the right of every city council member to vote for what they believe is the best moral and ethical effort. She indicated she has not heard from any of her constituents, nor from any members of the City Council that they are concerned with the direction approving liquor licenses is taking the city. Therefore, Dorff stated she will continue to do what she thinks is best, that being to approve licenses for businesses that have a good business/security plan, have staff recommendation, and have had no problems with the police, or with the city, although stated she respects Ald. Zima's opinion.

Ald. Galvin stated that rather than this committee approving licenses and having them turned back by the Council, he would like to move forward to establish a different policy if that is what is thought best. He noted there is a committee working on alcohol issues in the community, indicating there needs to be a coordinated effort with a plan that all are in agreement with.

Dorff opined that this committee has put in the time and discussion to understand the applicant requests, hear the witnesses, hear their plans, and when it gets overturned by Council feels it is a waste of committee time if that is what is going to occur. She agreed with Ald. Galvin's opinion that it may be necessary to establish a different policy for all.

Ald. Zima noted that request is for a business on University Avenue, opining that approval will be promoting liquor sales within an at risk neighborhood. He feels that this business does not really have a stake in the community.

Ald. Steuer spoke to the turnover of recommendations by this committee to the Council. He noted that alcohol is legal and there are 165 bars in Green Bay, most located on the east side. When there have been problems at certain establishments, the issues were dealt with. Steuer opined that neighborhoods are important, recommending a policy be developed.

Steuer indicated that the Task Force has made improvements, however, it only takes one person to drive drunk and kill someone to go backwards. Ald. Zima

asked if a goal of this Task Force was to decrease the number of drinking establishments, stating all further requests should be turned down and those existing revoked.

Ald. Scannell asked if the City has the authority to revoke licenses. Atty. Chavez responded that revocation is appropriate if there are reasons to support the revocation. When asked if revocation could occur at the time of renewal based on a change in policy, Atty. Chavez stated she would research the law, but cautioned that once a license is granted, removing it is difficult.

Ald. Scannell stated it is his understanding that the present policy is that if there are no problems with the establishment, and that they have a good business plan, approval is granted until there is a problem at which time it is dealt with. Scannell opined it is first necessary to determine where alcohol is a problem in the city and how to reduce it, whether or not it is due to sales at grocery and convenience stores, indicating that denying licensing may not be the solution.

Motion by Zima to enforce a moratorium until a Special Needs Committee meets and decides what proactive things can be done.

Attorney's Office indicated this idea would need to come forward as a communication.

Motion by Zima to hold. Zima stated he would find it hard to believe that the Police Department would disagree with having less places to sell liquor. Scannell, however, questioned whether police calls are always related to people who are drinking and have purchased from convenience stores and grocery stores, or at home after coming from these sites. Until a study is done, he opined that a moratorium would be premature, asking if in the meantime it is appropriate for this committee to hold up requests for businesses to advance.

Scannell asked if the Task Force has done any kind of study on purchasing alcohol in convenience/grocery stores and Ald. Dorff, who sits on this Task Force, stated that has not been part of their task, that they have instead been studying the prevention of OWI's. Ald. Zima asked that the issue of licensing to sell hard liquor to convenience and grocery stores/gas stations be referred to the Task Force. Chairman Scannell stated this discussion is not part of the agenda item before them, although Ald. Zima disagreed. Scannell did agree to submit a communication.

Motion by Ald. Galvin, seconded by Ald. Dorff to approve the application for a Class "A" Beverage and "Class A" Liquor License by Badimaalika, LLC at 1465 University Avenue (currently Pit Row).

Ald. Dorff explained she would approve the motion, stating she is uncomfortable with holding the item until a Task Force study has been done, that until there is further information on a potential moratorium, she will go with past practice.

Ald. Galvin stated he would also approve the application until there is a different plan in place or a moratorium is established to deny liquor licensing different than previously practiced.

Ald. Zima opined if there are not liquor sales at convenient stores and gas stations, it becomes less convenient, and it was the direction from the last Council meeting to deny such sales.

Ald. Dorff opined that the decision of the Council was based on location, finding this request different. Zima argued that this business is also in a high risk neighborhood.

Ayes: Dorff, Galvin, Scannell

Nays: Zima

MOTION APPROVED 3-1

5. Consideration with possible action on an application for a Class "A" Beverage License by Maria L. Garcia at 1723 University Avenue.

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

Ald. Zima asked what kind of business this is.

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

Maria Garcia – 2734 Mariner Lane, Green Bay

Ms. Garcia stated she operates Isabella's Party Shop & Food Market at 1723 University Avenue. In regard to the previous conversation, Ms. Garcia stated that she was familiar with drinking/driving issues involving people drinking at bars, noting that many bars are open from 6 a.m. to 2 a.m. She pointed out there are limited hours at convenience stores and gas stations to purchase liquor. Ms. Garcia stated she has operated her business in Green Bay for ten years deciding this year to offer more items.

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

Ald. Zima asked if there is going to be liquor sold at every convenience and grocery store. He asked if the committee was going to promote the sale of alcohol or if their comments regarding concern merely is an "empty gesture". When asked if most police calls involve alcohol, Galvin stated that many do, although there are also many related to theft, disorderly conduct, or family disputes. Zima referred to police "stings" which were conducted and Ald. Galvin reported these were done at gas stations, liquor stores, bars and restaurants. There was a failure rate of 40% overall across the board. Zima, however, recalled a failure rate as high as 70% and when a follow-up sting was conducted, 50% failed, many of the same business. He opined that convenience and

grocery stores are not the place to sell liquor as it is not their main business and the same attention is not given.

Ald. Galvin suggested that the Council be asked to define what the purpose is of this committee. He thought it was to review license applications, do a police check for past violations, and make a decision on whether to issue a license, or is it instead to discontinue the sale of liquor throughout the city and deny all applications unless for a liquor store.

Ald. Scannell agreed he did not like the idea of making policy at the committee level without communication from the Council.

Ald. Zima clarified that he would prefer to hold approval of any future applications until a decision is made as to whether there will be any policy changes. His goal would be to decrease issues related to alcohol abuse in at risk neighborhoods. He opined that the sale of alcohol in neighborhoods makes it more convenient than if they have to drive some distance to get it.

Ald. Dorff stated she would approve Ms. Garcia's request for application as she is pleased that Ms. Gonzalez lives in Green Bay, seems to be a person who values what she is doing, and believes in her store.

Ayes: Dorff, Galvin, Scannell

Nays: Zima

Motion Carried 3-1

6. Consideration with possible action on an appeal by Robert Matthews to the denial of his Operator License application.

Both the City Attorney's Office and the Police Department recommend denial based on past background.

Police Department concurs, informing the committee that although Mr. Matthews is listed as a felon, he was charged through clerical error and actually had a misdemeanor. He does have three DWI's on his record, one during the last year.

Mr. Matthews was not present. Atty Chavez confirmed that Mr. Matthews was not present at the last meeting either and was again sent a notice to present himself at this meeting, which he did not do.

Motion by Ald. Dorff, seconded by Ald. Galvin to deny the appeal by Robert Matthews to the denial of his Operator License application.

Motion Carried unanimously.

Motion made by Ald. Zima, seconded by Ald. Dorff to adjourn at 5:50 p.m.

Motion carried.

Respectfully submitted,

Rae G. Knippel
Transcription