

MINUTES
PROTECTION & WELFARE COMMITTEE
Monday, March 21, 2016
City Hall, Room 207
5:00 p.m.

MEMBERS PRESENT: Ald. Wery, Ald. Tim De Wane, Ald. Steuer, and Ald. Scannell
MEMBERS EXCUSED: None
MEMBERS ABSENT: None
OTHERS PRESENT: Joe Faulds—Asst. City Attorney, Capt. Keith Knoebel, and other interested parties.

Chairman Wery called the meeting order at 5:30 p.m. He apologized for the late start due to a special Council meeting that lasted longer than expected.

1. Roll Call.
Ald. Wery, Ald. Tim DeWane, Ald. Steuer, and Ald. Scannell were present.

2. Approval of the Agenda.
Items were taken out of order, although are shown in proper format here.

A motion was made by Ald. Scannell, seconded by Ald. Steuer to approve the agenda as modified. Motion carried.

3. Approval of the minutes from the March 7, 2016 meeting.
An error was made on #7, the appeal by Jeffrey Gay. Both Ald. Steuer and Ald. Wery voted nay.

A motion was made by Ald. Scannell, seconded by Ald. Steuer to approve the minutes from the March 7, 2016 meeting as amended. Motion carried.

(#8 on the agenda taken next, followed by 5, 6, & 7)

Motion made by Ald. Scannell, seconded by Ald. Steuer to move items 5, 6, & 7 forward. Motion carried.

4. Application for a “Class B” Combination License by LM Capital, LLC at 201 S. Broadway (Formerly the Crunchy Frog) Held up at last meeting.

Attorney Faulds stated that the Law Department recommends denial of this application, deferring to Officer Schaden of the Police Department for his opinion.

Officer Ronald Schaden stated the reason he recommended deferral of this request at the last meeting was due to the past history of the applicant, Mr. Walter Melgar. Mr. Melgar previously owned a bar from 2004-2006 on South Washington Street at which time there were several citations issued to him and eventually the business was shut down. At this time, Schaden indicated, he has been unable to get the specifics of those citations.

Officer Schaden stated he has talked to Officer Blindauer who dealt with Mr. Melgar in the past. Officer Blindauer indicated he would not recommend that Mr. Melgar run a bar due to past incidents with calls to his establishment involving fights, underage drinking charges, loitering, battery, and several other significant issues (some of these were dismissed). In addition, Melgar has had income tax problems, some of which have been cleared up, although there are three on file in excess of \$30,000. Mr. Melgar presently runs a restaurant which serves liquor, however, Officer Schaden opined this is different than operating a bar. He does not see owning a bar as a good fit for Mr. Melgar at this time.

Ald. Steuer asked the severity of the past charges, questioning if they were dismissed if it should alter committee opinion. He asked if there were felonies or other criminal situations to consider. Schaden replied he was not aware of any felonies, however, the main concern of law enforcement is the past selling of alcohol to minors leading to OWI's, being a public nuisance, etc.

Capt. Knoebel asked how many calls or how much time was spent by law enforcement at the previous establishment. Officer Schaden indicated he was unable to locate the exact records, stating that Mr. Melgar rented the bar space under a two year time frame and was unable to renew his license.

Ald. DeWane asked about the CCAP records and Schaden indicated he found three outstanding tax records from multiple creditors resulting in over \$30,000.

Ald. Scannell asked if the investigation of Mr. Melgar has been completed and if not, if that is why his request has been held up. Officer Schaden explained the request was held up due to the fact that Mr. Melgar was not present at the last meeting.

Motion made by Ald. Steuer, seconded by Ald. DeWane to open the floor to allow for interested parties to speak. Motion carried.

Walter Melgar – 3083 Finger Road, Green Bay

Mr. Melgar indicated that he makes a monthly payment to the IRS to clear up past debt. He explained that he has owned several businesses, not only in Wisconsin, but elsewhere, blaming a declining economy for his debt problems. He is now 40 years old and admits he has made past mistakes. He opines he is now more experienced and has run a restaurant in Green Bay for the last two years without issues. (This was confirmed by the legal department)

Ald. Scannell asked about other businesses Mr. Melgar has run. Mr. Melgar replied that he ran a franchise restaurant in Oshkosh. The establishment he is interested in opening at this time would be a "tropical bar" serving homemade tropical drinks, with an option to learn how to dance salsa, etc.

Ald. DeWane asked if Mr. Melgar will have trouble financing this new venture due to past debt. Melgar stated he does have another investor, pointing out that he understands he needs to generate money in order to pay his past debt along with his present expenses. When asked about the investor, Melgar stated his name

was Manual Lopez, a well-known DJ in the area and the plan is for the two of them to run the new business together.

Ald. Steuer asked Mr. Melgar if businesses near his potential Broadway location are aware of his plans and have voiced any opinions. Melgar stated that he understands from talking to the owners and their patrons that a change would be welcome. Steuer asked if he had completed a business plan and Officer Schaden indicated this is in place.

Ald. Steuer referred to a listing of Mr. Melgar's past citations, particularly a DWI in March of 2014. Melgar explained he made a mistake and drove after having had a few drinks. He has two children, one 17, who he recognizes he is responsible for. Ald. Steuer explained the committee has a responsibility and accountability to represent the citizens of Green Bay.

Ald. Wery asked the hours of operation at the present restaurant Mr. Melgar is in charge of. He indicated that it is closed on Monday, Tuesday to Friday they are open from 11 a.m. to 2 p.m., re-opening from 5 p.m. to 9 p.m. Hours are longer in the summer months. When asked if there is an outdoor patio, Mr. Melgar stated yes, as they are located on the Fox River.

Manual O. Lopez explained the plans for the "tropical" bar will not only involve special tropical drinks but also the learning of Latino music in order to provide enjoyment for their customers. He addressed security measures that will be taken, stating they do not want any problems with law enforcement.

Ald. DeWane questioned Mr. Lopez regarding the past lack of Mr. Melgar's financial responsibility. Lopez stated that Mr. Melgar is a respectable person and he believes in him.

Ald. Scannell asked Mr. Lopez if he has run such a business in the past which includes dancing lessons. Lopez stated he attended school in Mexico for management. He owns his own DJ equipment and hires people to load and unload for him. Ald. Steuer asked Mr. Lopez how long he has known Mr. Melgar and Mr. Lopez explained how they met and how they developed their relationship.

When Mr. Melgar was asked how many employees there will be at the bar, the reply was approximately 10. Ald. Steuer stated he has concerns related to past police issues, asking how the committee can be assured that this business will be a safe place. Melgar replied it is a matter of control, mistakes can be made, however he hopes for a second opportunity. He feels he now has more experience and would like to show the City of Green Bay he has the tools to run a productive business. When asked if he had help financing his previous business, the reply was that he did it himself. When it closed, he was able to take certain assets from the business.

Ald. Steuer asked whether this issue is time sensitive, or can it be delayed for a month and he was told that timing is important as it relates to signing a lease.

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

Ald. Scannell confirmed that the past history is the concern. Captain Knoebel stated a security plan is in place.

A motion was made by Ald. Scannell, seconded by Ald. Steuer to approve the application for a "Class B" Combination License by LM Capital, LLC at 201 S. Broadway (Formerly the Crunch Frog). Held up at last meeting.

Discussion:

Ald. DeWane stated he is not ready to approve at this time and would like further discussion by the City Council.

Ald. Scannell stated that the issues of concern happened some time ago. Mr. Melgar is now operating a restaurant that serves alcohol and there have been no problems. He feels Melgar has learned from his mistakes, that he has a vision and a unique idea which shows thought and commitment. Given these reasons which address the issues of concern, he finds the plan intriguing. He is ready to approve and give Mr. Melgar a second chance.

Ald. Steuer pointed out that the location of the new business (Broadway Street) is highly traveled and if there are any problems they will most likely come forward. He stated that Mr. Melgar and Mr. Lopez appear to be optimistic and have a good attitude. Steuer stated that trust for accountability and responsibility appear to be in place and he would support approval.

Ald. Wery recommended that the matter go to the City Council in two weeks for further discussion. He stated he is not ready to approve at this time based on past experiences.

Vote on motion to approve

Ayes: Ald. Steuer, Ald. Scannell

Nays: Ald. Wery, Ald. DeWane

Motion Tied 2-2

This item will proceed to City Council with no recommendation.

5. Request by the owners of Anduzzi's, 900 Kepler Drive, to hold an outdoor event on July 22-24 with music until 11:30 p.m. on July 23.

There were no objections from Assistant City Attorney Faulds from the Law Department, nor from Captain Knoebel of the Police department.

A motion was made by Ald. Scannell, seconded by Ald. Steuer to approve the request by the owners of Anduzzi's, 900 Kepler Drive, to hold an outdoor event on July 22-24 with music until 11:30 p.m. on July 23. Motion carried.

6. Application for an available "Class B" Combination License by LVP SHS Green Bay Holding Corp, a 1011 Tony Canadeo Run. (Currently Green Bay CS Hotel Group, LLC who hold a reserve license).

No objections from either the Law Department or the Police Department.

A motion was made by Ald. Scannell, seconded by Ald. Steuer to approve the application for an available "Class B" Combination License by LVP SHS Green Bay Holding Corp, a 1011 Tony Canadeo Run. (Currently Green Bay CS Hotel Group, LLC who hold a reserve license). Motion carried.

7. Request by Ald. Nennig to allow the Art Garage to have up to four mobile food vendors on their property for a special event on April 21, 2016.

Ald. Nennig explained this is the first mobile food request since adoption of an ordinance by the City which requires approval by the Protection & Welfare committee. Nennig stated he has attended Gallery Night at the Art Garage in the past, noting that the mobile food vendors were in the parking lot and not in the vicinity of any other restaurants.

There were no objections from either the Legal Department or Police Department.

A motion was made by Ald. Scannell, seconded by Ald. Steuer to approve the request by Ald. Nennig to allow the Art Garage to have up to four mobile food vendors on their property for a special event on April 21, 2016. Motion carried.

8. Request by Ald. Wiezbiskie, on behalf of a constituent, to adopt a resolution supporting and recommending a seven day custody period for abandoned or stray animals.

The Chairman pointed out that the State has already passed this resolution and cities/towns/villages are keeping with the recommended seven day custody period.

Ald. Wiezbiskie addressed the committee stating that this issue came to his attention almost the same day the 7 day custody law went into effect. He explained that constituents informed him that they had their dog picked up after it was deemed unruly and was near being euthanized when it was released back to its owners. Wiezbiskie noted that the previous rule supported a 4 day custody period. After checking with the Humane Society and the legal department, a resolution was drafted with a request from this committee for a seven day custody period for abandoned or stray animals.

Motion made by Ald. Steuer, seconded by Ald. DeWane to open the floor for interested parties to speak. Motion carried.

Rene Oh – Representing Packerland Veterinary

Would like to see the 7 day custody period enforced. Presented several signatures supporting this rule. Would like to see the law promote lifesaving, rather than cost saving, noting that most major costs with animals who are picked up occur within the first couple of days. She also pointed out that many dogs are

not reported missing for several days and if the rule was four days, they may already have been moved or euthanized.

Legal Department explained that State Statute was originally at a seven day custody period, then dropped to four. This resolution is a request to return to a seven day period.

Ald. Joe Moore pointed out that several states have set a minimum of four days.

Ald. Scannell asked Atty. Faulds for clarification of the number of custodial days per the present State contract and Faulds stated he would return with a definitive answer. It was noted that once an animal is at the Humane Society, day one typically begins the following day.

Ald. Tim DeWane questioned why this issue has come up and it was explained that the bill originally was made to address animals who were being held for legal reasons, sometime involving a long process. After seven days many animals are placed, return to owners, are forwarded to another resource or shelter, or are euthanized.

Ald. Tom DeWane indicated that it appears the only difference between the 4 day vs. the 7 day time period to the city would be cost.

Moved and seconded to return to regular order of business. Motion carried.

Although agreeing with the 7 day hold, Ald. Scannell stated he would not support the resolution because of power to municipalities.

When asked her opinion by Ald. Steuer the opinion of the shelter representative, she explained a concern that animals may be shipped out of the city to other shelters, noting that the 7 day rule allows more time to get the animal back home.

Ald. Wiezbiskie agreed with Ald. Scannell that the resolution may be too strong, however, urged that the 7 day rule be put in writing and not based on cost.

Ald. Nennig stated he would support the resolution.

Ald. Steuer asked if there are differences between communities and was told that bigger cities may push the four days because of a larger number of animals, smaller shelters promote 7 days or longer, noting that it is their choice.

It was explained that research found that much of this issue was handled behind closed doors so that the public would not know. It is not felt that passing of the bill was handled in the right way. It was also pointed out that the bill was originally designed for those animals held for long periods of time, with a goal to provide shelters' power to do something with the animals. Somehow it was determined that it would be a good rule for strays also.

A motion was made by Ald. DeWane, seconded by Ald. Steuer to approve the request by Ald. Wiezbiskie, on behalf of a constituent, to adopt a resolution

supporting and recommending a seven day custody period for abandoned or stray animals.

Ald. Scannell stated he would support the motion as it in particular addresses strays. He did point out that municipalities have varying laws and people eventually make the adjustment required.

Chairman Wery noted that all items on this agenda will go to the City Council on Wednesday, April 6, at 7 p.m. (date changed due to election).

Motion to adopt resolution carried.

Motion amended by Ald. Scannell, seconded by Ald. Steuer to reconsider the above motion with the caveat that the City of Green Bay endorse the seven day contract. Withdrawn.

(Back to #4 on the agenda)

A motion was made by Ald. Scannell, seconded by Ald. Steuer to adjourn at 7:15 P.M. Motion carried

Respectfully submitted by:

Rae G. Knippel
Recording Secretary