



MINUTES OF THE PROTECTION AND POLICY COMMITTEE

**MONDAY, SEPTEMBER 24, 2018, 5:30 PM
CITY HALL, ROOM 207**

A. ROLL CALL.

Present: Craig Stevens, Mark Steuer, Randy Scannell, John VanderLeest, Excused:

Also present: Deputy City Attorney Joanne Bungert, Lt. Steve Mahoney, Ald. Barb Dorff, Ald. Brian Johnson

B. APPROVAL OF THE AGENDA.

I. Approval of the agenda for the September 24, 2018 Protection & Policy meeting.

Moved by Ald. Mark Steuer, seconded by Ald. Craig Stevens to approve the agenda for the September 24, 2018 Protection & Policy Meeting. Motion carried.

Yes

- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No

- None, Abstain

- None

C. APPROVAL OF MINUTES.

I. Approval of the minutes for the September 10, 2018 Protection & Policy meeting.

Moved by Ald. John VanderLeest, seconded by Ald. Craig Stevens to approve the minutes for the September 10, 2018 Protection & Policy meeting. Motion carried.

Yes

- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No

- None, Abstain

- None

D. REGULAR BUSINESS.

1. Consideration with possible action an appeal by Tami Czerwinski, objecting to the decision that her dog was declared dangerous.

QUASI JUDICIAL/HEARING:

The Committee may convene in closed session pursuant to Section 19.85(1)(a) Wisconsin Statutes for the purpose of deliberating a case which may be the subject of a quasi

-judicial trial or hearing before that governmental body. The Committee may, thereafter, reconvene in open session pursuant to Section 19.85(2) Wisconsin Statutes to report any actions taken during the closed session and to consider all other matters on the agenda.

Moved by Ald. Mark Steuer, seconded by Ald. John VanderLeest to deny an appeal by Tami Czerwinski, objecting to the decision that her dog was declared dangerous. Motion carried.
Yes

- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No

- None, Abstain

- None

2. Consideration with possible action on an application for a "Class A" Liquor License by Kwik Trip, Inc. at 515 W. Walnut St. (Currently has a Class "A" Beverage and "Class A" Cider License), previously discussed at the Sept. 10 meeting.

Moved by Ald. Mark Steuer, seconded by Ald. Craig Stevens to open the floor for discussion. Motion carried.
Yes

- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No

- None, Abstain

- None

Moved by Ald. Mark Steuer, seconded by Ald. John VanderLeest to close the floor. Motion Carried.
Yes

- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No

- None, Abstain

- None

Moved by Ald. Mark Steuer, seconded by Ald. Craig Stevens to open the floor. Motion Carried.
Yes

- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No

- None, Abstain

- None

Moved by Ald. Mark Steuer, seconded by Ald. John VanderLeest to close the floor. Motion carried.
Yes

- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No

- None, Abstain

- None

Moved by Ald. Mark Steuer, seconded by Ald. Craig Stevens to open the floor. Motion carried.
Yes

- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No

- None, Abstain

- None

Moved by Ald. Mark Steuer, seconded by Ald. John VanderLeest to close the floor. Motion carried.
Yes

- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No

- None, Abstain

- None

Moved by Ald. Mark Steuer, seconded by Craig Stevens to approve the application for a "Class A" Liquor License by Kwik Trip, Inc. at 515 W. Walnut St. (Currently has a Class "A" Beverage and "Class A" Cider License), with the approval of the proper authorities. Motion carried.
Yes

- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No

- None, Abstain

- None

3. Discussion with possible action on General Ordinance 24

-18 amending Section 8.15(2), Green Bay Municipal Code, relating to smoking regulations.

Moved by Ald. Mark Steuer, seconded by Ald. Craig Stevens to approve General Ordinance 24

-18 amending Section 8.15(2), Green Bay Municipal Code, relating to smoking regulations. Motion carried.

Yes

- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No

- None, Abstain

- None

4. Discussion with possible action on a General Ordinance amending Section 27.902(2), Green Bay Municipal Code, relating to penalties for marijuana possession, previously discussed at the Sept. 10 P&P meeting.

Moved by Ald. Mark Steuer, seconded by Ald. Craig Stevens to open the floor. Motion carried.

Yes

- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No

- None, Abstain

- None

Moved by Ald. Mark Steuer, seconded by Ald. John VanderLeest to close the floor. Motion carried.

Yes

- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No

- None, Abstain

- None

Moved by Ald. Mark Steuer, seconded by Ald. Craig Stevens to open the floor. Motion carried.

Yes

- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No

- None, Abstain

- None

Moved by Ald. Mark Steuer, seconded by Ald. Craig Stevens to close the floor. Motion carried.
Yes

- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No

- None, Abstain

- None

Moved by Ald. John VanderLeest, seconded by Ald. Mark Steuer to hold until next meeting a General Ordinance amending Section 27.902(2), Green Bay Municipal Code, relating to penalties for marijuana possession so staff can present how many citations are issued in residences vs. public places, how many people have lost their driver's license in the last 6 months and how many citations were issued and for what amounts. Motion carried.

Yes

- Craig Stevens, John VanderLeest, Mark Steuer, No

- Randy Scannell Abstain

- None

E. PUBLIC HEARINGS.

F. INFORMATIONAL.

I. Liquor Violation Report from the Police Department for September 24, 2018.

Moved by Ald. John VanderLeest, seconded by Ald. Craig Stevens to receive and place on file the Liquor Violation Report from the Police Department for September 24, 2018. Motion carried.

Yes

- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No

- None, Abstain

- None

G. ADJOURNMENT.

Moved by Ald. John VanderLeest, seconded by Ald. Craig Stevens to adjourn. Motion carried.
Yes

- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No

- None, Abstain

- None

Meeting adjourned at 6:58 p.m.

VERBATIM MINUTES

-

- We're good?

- And we are good.

- Okay here ye, here ye, hear ye. The Protection and Policy committee meeting for September 24, 2018, room 207 is now in session. Take a roll call. Alder Stevens.

- Here.

- Alder Vander Leest.
- Here.
- Alder Steuer.
- Here.
- Should have said Stoner Alder Scannell is also present, all are here.
- You sure?
- Yep, I'll take a motion to approve the agenda.
- So moved.
- Motion by Alder Steuer, seconded by Alder Stevens, all in favor?
- [Alders] Aye.
- Opposed? We have an agender. Taking a motion to approve the minutes for September 10, 2018 of our
- One second, I'm sorry.
- Oh, sorry, sorry, that's right, I know better, sorry.
- It's OK. All right, go ahead.
- Motion to approve.
- Motion to approve by Alder Vander Leest, second by Alder Stevens, all in favor?
- [Alders] Aye.
- Should I abstain on that, I wasn't here?
- Did you look at the minutes?
- I did look, so I'm fine.
- You OK with 'em?
- You might as well say aye.
- Aye.

- That passes unanimously. We're on to regular business in a minute.
- We are good to go.
- Good to go. Number one, consideration with possible action by an appeal, on an appeal by Tami Czerwinski objecting to decision that her dog was declared dangerous, staff I believe?
- Yeah, so the appellant called the court's office today, she will not be attending, she does not want to pursue the appeal, so our recommendation would be to deny the appeal.
- Motion to deny.
- Motion to deny by Alder Steuer. Second by Alder Vander Leest, all in favor?
- Aye.
- Opposed? And that passes unanimously.
- Good to move on.
- Item number two, consideration with possible action on an application for a Class A liquor license by Kwik Trip, Inc. at 515 West Walnut Street, currently has a Class A license, Class A beverage and Class A cider license previously discussed at September 10th meeting. Staff, do you have anything on this?
- Just that this was previously approved by this committee and then it was referred back at the last council meeting. Just to reiterate, if the committee does want to deny to state on the record the reason for denial, and I have these cheat sheets.
- Can we get these into the?
- We can, into the packet?
- Or maybe we should have some?
- I can make, maybe, laminated ones so that I can just collect them at the end of the meeting and then we can just reuse them. 'Cuz it may not happen, otherwise we would have to scan it in for evidence.
- I'm thinking if we can even make some kind of packet aside somewhere, we'll have to talk about that later.
- Yeah.
- Cuz it's a number of things that may be.
- Right, like a reference?

- OK, I'm the one who asked to refer this back and it was because I had some businesses come forward to me, they were a little upset, they didn't feel like they were noticed at all, but I've spoken with them since then. They just expect that when they apply they'll be able to go, it's been an ongoing issue here, I think we're ready to just move on and get this all behind us. So, I've got nothing, no one's here as far as I know of the people who were concerned that contacted me before, so as far as I'm concerned we can just approve this, get it to council.

- Motion to discuss it.

- You want to discuss it?

- Yes.

- Okie-dokie, should we open the floor, do you want to discuss it first and then open the floor?

- Open the floor, I make a motion to open the floor.

- Motion to open the floor by Alder Steuer, seconded by Alder Stevens, all in favor?

- Aye.

- Opposed.

- OK, the floor is now open, anyone here to discuss this, please come up. State your name and address.

- Bob Haines, 2127 Daly Drive, Green Bay, Wisconsin, 54311. I thank you for having me today, and my name's Bob Haines and I'm a district leader for Kwik Trip here in Green Bay. I've been the district leader for eight years. As far as this license, we have many stores that do have a Class A liquor license, it's something that we do take very, very serious. Starts from day one of hiring people. We hire quality people, we do background checks on our co-workers, we do drug-free workforce. With that being said, our training starts from day one with putting through all co-workers watching training on it. In my eight years, I am not aware of any of my stores here in Green Bay that has failed a compliance check with the police department. We also do our own compliance checks, I do approximately 15 to 18 compliance checks a year. Currently this year we're at about 93% pass rate. Out of those 7% that have failed, it's not that they failed because they didn't ask for an ID, they failed because Kwik Trip has higher standards and they did not enter the birthdate into the register. With that, we feel that we are doing everything possibly responsible with this kind of a license in our stores, and the biggest thing we just ask you is to judge each retailer on their own merits, and here at Kwik Trip, we just don't live by the standard, we go above the standard.

- Questions?

- Well, I'd like to discuss, but I probably have a question or two. Mr. Haines, thanks for coming in. You know, I have no doubt that Kwik Trip, you know, I shop and get gas on Kwik Trip over on Taylor, you've got some great stores. My issue's more with the neighborhood, so and I grant it, we're just talking about the license, but that kind of ties hand in hand, and that's the issue that I have. We're gonna discuss amongst ourselves, but I don't know how, is there anything you can address that way toward the neighbors, some of the issues that they've had?

- Well, there has been some issues with the neighbors at this particular site. The ones that I'm aware of is some, well, one, being open 24 hours. And that's a good point. I actually did quite a bit of research on this. I went back on six weeks of business, and from 11 o'clock at night to five o'clock in the morning we average 215 guests for those hours. Our slowest hour is one o'clock in the morning which is, I believe it was 17 guests, and the thing I'd look at that is we've built up a need of service for a certain amount of people. If it's our mill workers gettin' done at work, somewhere to come and shop, or those people going into work earlier, so I believe we have provided a service for those people on those hours.

- And that's fine, that is a service, but there's also our time, and folks coming out as well. I think part of the issue that I have with all this is the fact that I was there for the meetings in the beginning when this came forward and it became, the hours were supposed to be til 10 o'clock. And then it changed after you got the permit and then it changed to Tobacco Outlet or what have you and it just, to me it just didn't seem forthright to me, so the fact that you did that and now you're a Kwik Trip Express, so you're back to that. I think the issue that the neighbors are having are these trucks that come in and park illegally or leave their trucks running while they're delivering alcohol, beer, .etc in the early hours of the morning. So I think that's the issue with the 24

-hour type business that we're looking at and I understand that you have a great business model, you do well, I shop, like I said, at Kwik Trip. But I do have a concern for the neighbors that I've talked to in that area. I mean, you're always gonna have that when you have residential butting up to a commercial area, we have issues like that throughout the city. This just happens to be one of those that I just have a hard time with, and it's nothing personal, but I'm just looking at what the neighbors are dealing with and the calls and the things I've talked to them about. I don't know if there's any kind of solution for that, the fact that you are a 24-hour establishment, and originally when this was all passed, it wasn't, so I do have a hard time with that and you have a great business model, but like I said, it's the hours and some of the noise and such that the citizens have to put up with.

- OK, so can I address some of your concerns there? You know, you're right, we actually opened up the store as a Tobacco Outlet, and I'm sorry, let me rephrase that. It was a Kwik Trip Express, which is another word, we renamed our tobacco outlets, and we expanded the product line of the Tobacco Outlets to have some of the groceries and stuff. It was very similar to a typical Kwik Trip, but without the hot food. But the basis for that store was tobacco, the humidor. And with that name

change, our humidor sales dropped 70%, which if that's your number one primary product in that store, that was a big concern for us, so we did make a decision and made the name change. Not saying it was the right name change, because we did make a change in our company with that, with the Kwik Trip, or back to the Kwik Trip. Well we changed it from Kwik Trip Express, Tobacco Outlet Plus Grocery, and then when it was the grocery store, some of the government officials have expressed some displeasure with that. So here again, our owner, who wants to be a good neighbor, business partner in the community, made the change back to Kwik Trip. So in a way, we felt like we are trying to do what we can to please everybody. We didn't mean any mischief by it.

- I'm not saying you did.

- So in a way, we're trying to do what's right.

- Well, like I said initially, it was named one thing and then it was changed after the fact, and I just don't know if that's normal standard operating practice or not. Normally when there's a site plan that is put forth, what's on the paper is it, and I just have a hard time with that. So like I said, it's not personal, but I just feel that you weren't as forthright with the neighbors as could have been and the fact is that you have these refrigerated trucks that will sit there for some time and I think that's one of the issues they have, idling trucks.

- OK, well first of all, no beer truck is refrigerated.

- Well, whatever trucks they said, they're coming in.

- We do have a truck, a Kwik Trip truck that comes in, but here again, we were delivering at two o'clock in the morning because of the restrictions of the routes. The route is only Walnut Street, we were not able to turn down Maple, so our trucks had to go through the parking lot diagonally to get to our back door. So the easiest way without possibly injuring a customer or hitting a car was doing the two o'clock in the afternoon. There was some concerns about that, we have changed that. Now the truck comes before nine o'clock at night. Here again, accommodating those neighbors. We understand that.

- I'm good for now.

- We did cover that last meeting, but Alder Steuer missed last meeting.

- Yes, so, that's fine.

- We did cover that at the last meeting that they changed their hours and actually the people that were complaining are good with that now. Their main complaint now is trucks parking illegally, but that's not the Kwik Trip, it's a matter of law enforcement. It's our enforcement that we're not following up on that's the problem, it's not Kwik Trip.

- And I have talked to all vendors, beer vendors, soda vendors, and what their understanding is, they have to take the most direct route to a retailer from a truck route. Which the direct route is turning down Maple.

- But I believe we need to look at the parking situation there 'cuz right now, either we need to change the parking to accommodate that, or figure out a way they can go that way and follow the rules, 'cuz right now, there's a number of trucks that are parked illegally, but again, that's not the Kwik Trip, that's not, and it's a matter of the city enforcing its ordinances.

- But, and I agree, I kind of think, yes, you're right, it's more of a vendor, but here, again, Kwik Trip trying to look out for the best of everybody. I have contacted those vendors, they are not parking on the wrong side of the street no more, they're parking on the right side, so yes, that is gonna cause them to come down, excuse me if I get my streets right, or wrong, coming down Ashland, Howard, Howard to Maple to be on the right side.

- Ah, I see, that's what the, OK.

- One more question.

- Sure.

- I was just wondering, if you did not get this license, what you project, what kind of loss this would be to you? I mean, your store is still successful, it's like anything else, you want more business. Have you thought about that or projected what might happen if you didn't have that?

- Well, I can't project a loss because this is so new to my stores here in Green Bay, I just had, I believe that you passed three stores here approximately about a month ago, so we're really new with having this Class A liquor license. So.

- That's it, that's all I have.

- Any other questions? Anything else you care to add? Thank you very much.

- Just that you kind of look at each retailer separately and give us a chance.

- Alder Johnson, pretty good timing, we're just talking about Kwik Trip. Motion to close the floor?

- Motion to close.

- Motion to close the floor by Alder Steuer, seconded by Alder Vander Leest, all in favor?

- Aye.

- Opposed, OK? Alder Johnson, is there anything you care to add to this, no? OK, I already mentioned a few things, so, some of the issues you brought up, Alder Steuer, were covered last week in that.

- Like I said, I'll feel comfortable if the alder and the committee chair here has talked at length, at least feel that they've talked to the neighbors and things are OK. That's my big concern, so I just need those fears allayed a little bit.

- I think Kwik Trip has been making changes and things have gotten better, and as far as I know, they're fine. The constituents that were complaining are fine with going forward. Have you heard anything different since, Alder Johnson, from your constituents there?

- [Alder Johnson] I mean I agree that they've been making changes. I think there are still some concerns by the neighbors and I think we need to turn to enforcement for some of those things.

- Right, we just covered that actually. We might even be where, if not enforcement we need to look at, it sounds like you can only park on one side of the street, but for vendors to park on that side of the street, they can't come off Walnut, they have to- Come from Howard.

- Come from Howard, which technically isn't a truck route.

- [Alder Johnson] And I think that's the biggest thing, we do have, delivery trucks have been altered and that's been great, and we're very appreciative of that, of course, I think the biggest concern we have yet is trucks parking in no parking zones, delivery trucks, and then proceeding through the residential neighborhoods where trucks are not allowed. So, yeah, if that's an enforcement thing, if it's maybe working with Kwik Trip to identify alternative loading opportunities or possibilities. I know that's something that Dave Hanson had said at the city level that he was concerned about from the beginning. But, it was about a discussion it preceded, so.

- I think the problem is that either the trucks are gonna come from Walnut and they're gonna have to park on the right side of the street, but then when they leave, they're gonna have to go through to Hubbard to Ashland, or if they have to park on the other side of the street, they can't come from Walnut Way to do that, they'll have to come from Ashland-Howard. So either way, it's gonna be traffic going through, I don't know how you can not do that.

- [Alder Johnson] Well, I think that's the traffic engineer's job is to figure out.

- But that's a city issue.

- I'll make a motion to open the floor.

- Motion to open the floor by Alder Steuer. Second by Alder Stevens, all in favor?

- Aye.

- Opposed? OK, yes please.

- I actually did talk to Dave Hanson, I believe. And one is, he kind of took the approach that he wants to be hands off on this. He thinks it's more of a police department thing. His solution which is this, that when we do have a delivery, that a vendor is staged two blocks away and when our parking lot is

clear, we can call him up and say come on in. That's just physically impossible. First of all, we're not those only guests of that vendor. They have other customers they have to deliver to, so I just don't know where that is. And where is a staging space? That's probably off the truck route also. I don't think we can just park on Broadway waiting for a spot to open up and have him pull in. So I don't think even he's giving some suggestions, I think he's a little bit, I don't want to make this decision.

- Yeah. Well I think, like I said, one way or the other, either coming or going, trucks are gonna have to go down Howard. I mean, I don't know how we can physically, given the space, do anything else. So, we should maybe look at that and make some accommodations as a city or whatever.

- And the thing I guess I want you to just take into consideration is that no matter if this is a Kwik Trip, a Kwik Trip Express, or Tobacco Outlet Plus, we've always had alcohol, we've always had beer, so these vendor trucks have always been there from day one. Nothing's really changed with that.

- OK, thank you. Motion to close the floor?

- Second.

- Motion by Alder Steuer, seconded by Alder Vander Leest, all in favor?

- Aye.

- Opposed? OK, we're closed.

- Thank you, Chair. Lieutenant, I was gonna ask you about this, it seems like we're leaning toward enforcement, if you will, on this issue, and I don't know what your take is on police presence or what, like I said, there is a concern that I have, and I know that the traffic engineer seems to be holding off on this as far as patterns and such right now. If we approve this license, it's like, if we approve it, period. But I'm looking to you for answers on police enforcement or what your thoughts are on that.

- [Steve] On the enforcement part, I don't want to say it will be difficult, our staffing numbers are at an all-time low, so in terms of someone calls in and says I have a parking issue, to be honest, it could take us three, four, five hours to get there which by then the vendor would be gone. Not to keep passing the buck, I honestly don't know if the parking utility has the authority to write that citation. I know they can write certain parking violations, but not others.

- CSIs?

- [Steve] They normally do not write parking citations and currently we have two CSIs instead of the normal 10. We're trying to get more of them as well. I guess, I don't know if there'd be, 'cuz knowing the downtown district, if there could be parking for, you know, trucks only during certain hours, that would be they know, OK, I can park here during this hour, and I guess not to sound rude to a vendor, but if another vendor's already in that spot, you go service the other customers and you come back until that spot is open. That's something I guess, me, personally I would think could accommodate the neighbors and if there's a certain area that's parking for deliveries between this hour and that hour, how we have the taxi stands downtown, that that might help alleviate where the

vendors know where they can park, when they're allowed to park there, and if they're outside of that, it does make it a lot easier for us to enforce it then if someone's in violation they can take a picture, the truck was parked outside of that area, morning or afternoon, whatever the hours, then yes, we could go back and do some enforcement at that point.

- OK. Actually, that's it for the lieutenant, I have one more question for Mr. Haines, yet. I hate to open the floor again.

- Go ahead.

- Motion to open the floor.

- Motion to open the floor by Alder Steuer.

- Second.

- Second by Alder Stevens, all in favor?

- Aye.

- Opposed. Yep, go ahead. One more question, please.

- Your vendors that come in to deliver in that, how often do they come in, is it, does it vary by day, the weekend, or what? Is there some kind of a pattern here?

- There is a pattern, and I don't know exact pattern, but I'm just gonna say if Pepsi comes on a, Pepsi is our biggest vendor, they come in twice a week. Most vendors it's once a week, we don't allow deliveries on Saturdays or Sundays. We do have delivery hours, which is, I believe, 6:00 AM to 5:00 PM.

- You're saying the majority of them, but there are still others that come after?

- No.

- OK. I'm just checking, I'm just checking.

- Also, just kind of going on a little bit with what you were talking about, by all means, I'd be very open to that concept you were just talking about. We also, within our delivery policy we don't allow two beer vendors in our store at the same time. So, yes, they could be staged outside, but that's something we can talk with those vendors about. So usually when they see one vendor there they try to go on to another delivery because it does no good for them just to be sitting outside.

- Well, you realize, OK, I feel comfortable with some of the answers you've given and thank you.

- Thank you.

- You wouldn't want two beer vendors in at the same time, there'd be a rumble.

- Well, it could get tough. So same thing with soda vendors or anything like that.
- They can't just pop in and pop out.
- Right.
- Motion to close the floor.
- Motion to close the floor by Alder Steuer, seconded by Alder Vander Leest, all in favor?
- Aye.
- Opposed? OK, store is now closed, does anybody want to make a motion or do we want more discussion?
- I talked a bit, I don't know if anybody else has anything.
- No, the history on this has been long, I'm not gonna go through the whole history of why we held this up again and again and again. I think we're at the point now where all the businesses that we had denied in this area I think we can grant them their license now, we can all move forward and level the playing field. Just about every other convenience store in town sells liquor, so it just seems right to be able to level the playing field. It's a matter of good management for these businesses as far as causing problems and I think it certainly isn't gonna be the case here.
- I'll make a motion then.
- Sure.
- Make a motion, considering what was said today by Mr. Haines and also by the alders and yourself, Randy, you are an Alder.
- I am.
- I feel comfortable, so I will make a motion to approve.
- Is there a second?
- Second.
- Motion by Alder Steuer, seconded by Alder Stevens. Any further discussion? All in favor?
- Aye.
- Opposed? OK, that passes unanimously. We'll go on to Council next Tuesday, I don't think anybody's gonna pull it next Tuesday, I think we're finally over the hill.
- [Bob] Yeah, thank you.

- Ah, I suppose I should have said that at the very beginning, make a note somewhere.
- What's that?
- That everything we do here at committee is just a recommendation to the council, Council has the final authority next Tuesday.
- OK, we're good.
- Item number three, discussion with possible action on General Ordinance 24 dash 18, amending section 8.15 subsection two, Green Bay municipal code relating to smoking regulations. Staff?
- Yes, this is a pretty simple change. The amendment just changes the ordinance to prohibit smoking to 25 feet in front of all city buildings instead of just City Hall.
- I'll make a motion to approve.
- Motion to approve by Alder Steuer, seconded by Alder Stevens. Any further discussion? Aren't you worried that this is gonna go up in smoke? All in favor?
- Aye.
- Opposed? That passes unanimously.
- I just ate, too.
- I know, you're gonna lose it.
- OK, we're good.
- Item number four, last but not least. Discussion with possible action on a general ordinance amending section 27.902 subsection two, Green Bay Municipal Code relating to penalties for marijuana possession, previously discussed at the September 10th P and P meeting, Protection and Policy meeting. Staff?
- Yes.
- How many of those memos do you have? I somehow lost my memos somewhere.
- That's all it was.
- Well, no I have more here.
- I have one on my e-mail that I can pull up.
- I can share, I can share.

- Are you sure?

- Yeah, yeah, that's fine.

- So, staff?

- Yes, so the committee previously referred this back to staff to report back on the research that staff had gathered as to what other communities are doing with respect to fines and other research supporting the proposed ordinance changes. You have in front of you a memorandum prepared by ACA Kristin Johnson with respect to the research that she did. So just as a bit of the background, Alder Scannell had requested that the law department review the ordinance with the goal of making the penalty less severe. Currently, our ordinance provides that any person possessing 25 grams of marijuana or less is subject to a fine of not less than one, not more than a thousand dollars. And our ordinance also prohibits anyone who has had a previous conviction for possession from being issued a citation under the ordinance. Rather, instead someone with a prior conviction for possession has to be referred to the DA's office for criminal charges no matter how much marijuana they possess. So this leaves the police department with no discretion when it comes to enforcement. It also creates a burden on the criminal justice system. So, the proposed amendment after discussion with the police department, the municipal court judge, and the city prosecutor was determined that the best course would be to lower the maximum fine of marijuana from a thousand to five hundred, so that range would be from a dollar to five hundred. Additionally, the amendment allows the PD to issue citations to individuals with prior possession convictions rather than mandating that they have to refer the charges to the DA. The goal of this amendment is that more citations will be issued to municipal court reducing the burden on the DA's office and circuit court. Surrounding communities. It looks like we found that the penalties for civil citations for possession vary a lot amongst Wisconsin municipalities. Several municipalities adopt statute 66.0107 which authorizes a municipality to enact its own ordinance prohibiting possession. Under that statute, if the criminal complaint is issued by the DA's office alleging possession of more than 25 grams, or possession following a prior conviction, the person may not be issued a municipal citation unless the criminal charges are first dismissed by the DA's office. Many municipalities use the same or similar guidelines within their municipal code, however, only regulating possession under 25 grams and first-time offenders. However, many municipalities have enacted less-restrictive ordinances, decriminalizing possession, even if the accused possesses more than 25 grams or has had a prior conviction for possession. Some municipalities have potential fines upwards of \$1,000 while other municipalities do not impose any kind of penalty for possession of marijuana. So then a summary's below of other local areas. Oshkosh in 2018 voted the minimum fine to be lowered from 325 to 200 for the first offense, and then this reduction was the result of a proposal to lower the fine to 25 which was rejected by the council. Stevens Point currently, the fine is a hundred. In 2018, in February of this year, the city council rejected a proposal to lower the fine to \$5. Madison, a person may possess up to 28 grams in a private place and is not subject to any fine. A person cannot possess marijuana in a public place unless it was obtained pursuant to a valid prescription. Currently, only CBD can be legally prescribed. If a person caught possessing marijuana is in a public place, they face a fine of up to \$100. Milwaukee, the fine is from zero to fifty, they may be permitted to perform community service, attend substance abuse education in lieu of paying the fine. If they are convicted of smoking marijuana in public, that fine is 250 to 500. And Eau Claire, first offense, conviction for possession of less than 25 grams is between a hundred and five hundred. Kenosha, first offense fine for up to 28 grams, so that's one ounce, is between \$10 and 750. Sheboygan, first offense possession for up to 25 grams is between 250 and a thousand, and Monona individuals 21 or older are permitted to use marijuana at their personal residence or as a

lawful guest of another residence. Individuals 21 or older are permitted to possess marijuana at any location. So it kind of varies across the board, but what we are proposing is not way out of the box.

- Question, yes?

- Yes, Chair. Attorney Bungert, I noticed some of the fines here, you know, \$10 to 750, 250 up to 1,000. There seems to be such a wide range, I'm just wondering what the thought process is on that, does it depend on the person?

- It depends on the circumstances, the amount, but that would be up to the discretion of the police officer as to what to set the fine at. It also allows a little bit of negotiating position for a prosecutor as far as trying to get someone to plead and we tend to lower down the fine.

- It doesn't specifically say in our ordinance, but does not Judge Hanson have the discretion to use community service instead of a fine? I thought he did.

- That I'm not sure, I don't think that muni court does offer community service, at least that I'm aware of.

- OK, I would like to then amend to add that as a possibility for the judge to have that option.

- I like that, too as a possibility.

- But before we start amending things, let's discuss and then we can start making amendments accordingly. Shall we go point by point, or does anyone care to just, any general discussion?

- I have a general discussion.

- Sure. Alder Vander Leest.

- How does our surrounding community like Bellevue, Howard, and Hobart, are they pretty much tied in with what the county's proposing at this time? In other words, the county ordinance that works throughout the county, is that correct?

- That I'm not sure. It doesn't look like she looked at Bellevue or Howard. These were the other municipalities that were decriminalizing marijuana. It may be the case that other counties haven't put forth ordinances like this and just basically fall in line with state statute.

- I haven't had a chance to talk to the district attorney as far as what his thoughts would be. I think it'd be good for us to talk to the district attorney and get his opinion on most of the cases. Like if you look at our current ordinance, it says here, it says not less than a dollar and not more than a thousand. In other words, I believe the community isn't just slapping a thousand dollar fine on everybody that's caught with any marijuana at this point, I don't believe that

- Right, I'm not sure what circumstances would lead to a thousand dollar fine.

- [Steve] Normally we have a set amount that all the officers will write for the possession of marijuana. If the person's not being cooperative we give the officer the right, it's called maxing out the bond, which, then, they'd shoot it up to a thousand dollars. If the person was fighting, they were lying, when we ask them about it they try eating it, various things where they were not being cooperative. If they are cooperative, and I don't know the fine right now I haven't written that ticket in awhile, we normally have a set amount that we'll write down and then legal for the court to decide if they'd like to reduce it, but I know we don't max out the ticket right off the bat.

- Is there a lot, let me ask you, are there a lot of citations written on a weekly basis? Like how many a week would be written?

- [Steve] For possession of marijuana? I'd say 10 to 20 if that. I do know a lot of officers do use their discretion where they just dispose, depending on the amount, they'll just dispose of the marijuana based on the person's demeanor instead of writing them a ticket and going through that route, so, once again, it depends on the person and it also depends on the shift. I know night shift does write more, and it's mainly through traffic stops that they pull the car over and it's very noticeable in the car, so they'll write those, but I would say probably about 20 a week on the high side. I could look that up for you for the next meeting.

- It would be nice to know the actual statistics of how many citations are being written and what the amounts, fines that are being given. I think we should also do a little homework as far as talking to the district attorney to see where he's coming from to see how this is going to affect our whole Brown County. That would be my suggestion.

- So this wouldn't effect Brown County as a whole, this would be only an ordinance that applies in the city of Green Bay. Just based on the wording of the ordinance, the effect would essentially be reducing the number of cases that are being referred to the DA and as we all know, the DA's office is extremely backlogged, they have more cases than they can handle. So it would actually be taking a burden off of them because the way that it currently is structured is that if a person is a repeat offender and they have a second possession charge in front of them, we can't, it can't go to muni-court, it has to go to the DA, and they could be literally prosecuting something that would be five grams or less than 25 grams, a very minimal amount, and they would be expending all those resources to prosecute something like that, versus instead of it being handled at muni-court.

- OK. I guess that's all I have for this meeting. I just got logged out.

- You got logged out?

- [Alder Johnson] Is it all right if I ask a question?

- Certainly

- [Alder Johnson] Law department, so in those, not law, police, sorry. In those instances where we may choose to max out because someone's, again, flying, trying to destroy evidence, are there other charges at our disposal that we can use instead of cranking up the fine on possession of marijuana like obstruction or?

- [Steve] Actually, if we add the obstruction charge, it would make their overall fine more expensive. I believe the obstruction charge is 400, or resisting arrest is, say, 600. So if we charge them with the obstruction plus the possession of marijuana at a normal amount, that dollar amount would be more than if we just maxed out the possession of marijuana dollar amount.

- [Alder Johnson] So what I'm trying to understand right now, that is, right now, if somebody is resisting arrest, what we're essentially doing is we're just gonna increase your fine on the marijuana charge, when in reality, it's something else that's really going on here.

- [Steve] That's the officer's discretion. To be honest, if they resisted they'd probably get both charges. Where they would max it out is, a common scenario in the car when we pulled the car over, everyone, whose marijuana is it, everyone, not mine, not mine, not mine. Finally, someone owns up to it after us expending a lot of time and resources, then we might decide, you know what, we just spent a whole hour on this when it could have lasted 15 minutes and we could have moved on to something else, then the officer would get permission and could max out the fine. But that's officer's discretion.

- [Alder Johnson] See, that's where I'm looking at it, saying why aren't we enforcing what's actually happening here, which is obstruction instead of cranking up the fine on possession?

- I think the small nuance would be that being uncooperative wouldn't necessarily always rise to the statutory level of resisting arrest or obstruction. For that, you have to have certain elements in place in order to charge that. Being uncooperative or not being very friendly or forthcoming isn't necessarily the same thing as resisting. I think that's what Lieutenant Mahoney's trying to say.

- [Alder Johnson] But in that case, they're probably being

- In these cases there are people who aren't necessarily resisting or obstructing who get slapped with a citation for that, but they're not being very cooperative or they're wasting the police officer's time, and so then the fine gets increased or there's other circumstances that are kind of lending themselves to increasing the fine.

- [Alder Johnson] OK, understood.

- When I had discussions with our city attorney and staff, that was part of the reason, 'cuz I was shooting for a lower fine, and that was part of the reason why they wanted to not go below 500, they want it to still have some teeth in it so that officers could use some discretion and also our city attorney had some leverage for plea bargaining instead of, if you reduce the fine too much, then the worry was that someone might fight it in court, just to clear their record, well we want to avoid going to court. Court is expensive, time consuming, that's not something we really want to spend a lot of time on. That's one of the reasons behind all this is to kind of clear the board and make things not so clogged up in the courts. So I think that's one reason why our fine is 500 and not like 100 or 50. So, 500's still fairly significant.

- [Alder Johnson] So it seems to me, at least, the debate is still, and of course, this is what you guys all engage in, is this the kind of thing we want clogging up our courts and we want consuming our police time. So, debate away.

- [Steve] To answer, I've been a police officer here in Green Bay now 12 years, I've only maxed out one ticket my full 12 years as an officer. It's extremely rare that we actually max out a ticket. I'd say 99.5% of the time, we're not even coming close to that. It's a very rare circumstance when we actually put the maximum fine.

- [Alder Johnson] And I appreciate that feedback, and I think that's to Alder Vander Leest's point, is it would be great to see that data and those reports, but again, even if it's a \$1 fine, it's gonna cost us more money to process than the dollar we're getting from it, so.

- You gotta have something.

- [Alder Johnson] To me, this is not necessarily about the money or the fine or anything, it's really a philosophical discussion about is this the kind of thing that should be consuming resources in our community?

- I agree that courts are jammed up a lot with this, and I think that something like this with the reduction to 500, I think, would really work. I think we should vote to move forward with it.

- And I see where Alder Johnson's going, and that's, initially, where my main focus was on this was to take this down as low as we can go as long as far as, we can't legalize, that's beyond our power, but how far can we decriminalize, and I wanted to get the main players on board with this. I talked with Judge Hanson and Chief Smith and the mayor's office, and legal, and this seemed to be what everybody was comfortable with.

- [Alder Johnson] How does Monona have that policy?

- They're just basically not enforcing, enforcing state law.

- Right. And the state

- And it's harder, also, if you're, as far as the personal residence, unless there's a sting operation or a police officer happens to be knocking on the door and smells marijuana, it's hard to police inside someone's home. As far as any location, they're just not following the state ordinance. How they're doing that, I'm not

- [Alder Johnson] Is there a penalty for a community when they don't follow state law?

- Not that I'm aware of.

- I'd assume that the state could take some kind of action on us if they wanted.

- This only applies to Monona police officers, so if you get stopped by a state trooper, you're gonna get a ticket. If you get stopped by other law enforcement, you're gonna get a ticket. So this would only apply to Monona police. And within Menona city limits, so the moment they're in Madison, this doesn't apply.

- So, like I said, I was kind of shooting that way, but in talking with law enforcement, they weren't quite comfortable going that far, and same with others. I just want to move the ball in the right direction, I think our fines, and not just the fines, we're kind of focusing on that, but there are other parts of this, too, like with the driver's license, to me, that makes no sense at all. Why are we suspending a driver's license, the person caught with the under 25 grams maybe not in a vehicle at all, so why should that be a consequence? It just makes no sense at all, and that just seems punitive and unnecessary.

- I've got a question.

- Certainly.

- Is this so time-sensitive that we have to decide today? The only reason is Alder Vander Leest brought up some good points as far as what the county is looking at.

- We can do

- Was there anything that way that you wanted to hold?

- Or to our next committee meeting, we can have a little more time to do a little more research and get the feedback from the district attorney?

- I mean I think it's going in the right direction

- Well, right, and I don't mind holding this up, but I wanna hold it up for something real. I don't think the district attorney's gonna, we're clearing their plate.

- Alder Vander Leest brought it forward.

- Right, I understand, but the district attorney, we're clearing his docket. From what I understand, talking to Judge Hanson, that's not gonna be an issue, that's a plus, that's what they want, they're happy with that. So, and as far as talking about what the county is doing, well this doesn't affect the county, so if we hold it up, I got no problem holding it up, but I want us to be researching and holding it up for something that's gonna be meaningful. I don't see how those two points right now make a difference.

- Just answering what

- Right, and I appreciate that.

- My thoughts are that I'd like to get the information back from the chief, Chief Smith on what kind of fines have been enacted, let's say in the last six months, if we could get the data from the last six months to see what kind of fines were actually imposed on the people that were prosecuted.

- I know where you're coming from, Randy, but I think it's just due diligence, just to get that information. We could pass it ahead of time and then, oh by the way, we have this information after the fact. Or we can have the information and be seamless.

- I've got a question for you that want to hold us up for that purpose. What are you gonna do with that information? What does that information do? What does it do? You want information for a reason, it's gonna make a difference in how you think about this issue. No matter

- Make a motion to open the floor, I'd like to

- Yeah, we will be opening the floor. I'm in the middle here, OK, hang on.

- Excuse me.

- The amount of the fines in the past, I just don't see how it's relevant. What difference does it make? How does that affect anything we're doing? How does that affect changing where we will no longer suspend licenses? How does that change, as far as lowering the fine now, what matters is not what we've done in the past, but what's comfortable going forward, does it make sense going forward to reduce it in half?

- I have no problem with this issue, I'm just saying that the information that would be brought forward would just lend more to the argument, that is all.

- That's what I'm trying to ascertain. How does it add to the argument? That's what I'm trying to ascertain.

- I have a question. Madison's ordinance is very intriguing. If the police could tell us where these fines are being issued, is it private or is it more public?

- OK, so let's start making a list of what we want.

- Like are they issuing more private or more public-related, meaning someone at home versus out on the street. Madison's very intriguing.

- Do you have any?

- Were there more citations issued in residences or in public, like car stops, vehicle stops?

- Right now, I couldn't tell you.

- OK, that's fine.

- I'll have to look into it.

- Yeah, that's fine.

- One other question, in other words is it mandatory that they lose their driver's license after one offense? Is that the case or not?

- That's up to the courts, I honestly don't know if the courts enforce that or if that's something when the person

- Is that a state statute that they have enacted there? As far as the state goes?

- In terms of the fines, I don't know.

- I'm talking about driver's license in other words.

- Yeah, that's part of the fine when you get caught, honestly, once it's at that point, I honestly don't know what the fine or the punishment for the possession is if that's a state statute.

- If we could find out that information I think that'd be very helpful. I think the public would be more informed on how it's really being written and how it's being enforced.

- Do you understand those two?

- I'm not sure what to find out. How many citations were issued in residences versus public places, and to find out, and to bring back?

- Could you restate that again, Alder Vander Leest, what exactly you're looking for?

- I want to know about the driver's license, if people are losing their driver's license for one offense, or multiple offenses or how that plays into any

- That could be for one, that could be, the way that our ordinance is written right now the penalty could be for one offense because if it's a second offense, muni

-court isn't hearing it, it's going to circuit court. So our ordinance provides that they can get a penalty of up to a thousand, and

-or lose, have their driver's license suspended, and that's only for one offense, because anything over one offense, we don't have jurisdiction over it, it gets referred to the DA.

- In other words, is that written into our ordinance right now?

- It's in our ordinance right now, currently.

- That's not gonna change, correct?

- No, that's what we're changing. We're taking that, you cannot lose your license. That would not be a consequence that a judge could

- So it would just be a fine.

- It would just be a fine.

- Up to \$500.

- I'd like to know how many people have lost their driver's licenses in the last six months on this type of charges.

- Anything else, that's good? Anything else.

- I'd like to make a motion to open the floor.

- Motion to open the floor by Alder Steuer. Seconded by Alder Stevens, all in favor?

- Aye.

- Opposed? The floor is now opened. Make sure you fill out the forms.

- I'm grouchy, I don't feel good tonight.

- Oh, I'm sorry.

- That's part of the reason why I'm here, I'm fightin' for my medicine, people.

- I'm sorry, before we move on, who made that motion and seconded it?

- I did.

- Steuer, Alder Steuer made the motion, seconded by Alder Stevens.

- Thank you very much.

- I don't have much to say tonight. I'm a little concerned with some of the things that I've been hearing. I was concerned about you talking about drug tests from private companies last week. That's not the government's business. I'm a little concerned with you stalling. Can we please just move this forward to council? I got a thing written up, but I kind of just want to be mad and talk from the heart. I've been entertaining you guys for two years, come on. I'm about to move to the UP, and I don't want to. I don't want to leave, I just got back here. I just got back here, I just want to be able to use my medicine without fear. It shouldn't be that frickin' hard. I can't even, sorry.

- That's all right.

- That's all I got.

- OK, thank you.

- I guess I just

- State your name and address.

- You bet.

- And fill out the form.

- I'm Kristin Mickle, I live at 150 Winchester Way. I just wanted to talk a little bit more, you mentioned about the private use. With what's, what do other communities do about private use?

- Madison, you can possess up to 28 grams in a private place and you are not subject to a fine.

- I like that.

- And, Monona you're permitted to use marijuana at your personal residence, and that was it.

- Yeah, that was my thing the last time I came here was private residence should be kind of off

-limits as far as any fine at all. That's my comment.

- OK, thank you.

- Dawn Radford, 408 South Van Buren Street, Apartment One. Yeah, with regard to still leaving that maximum up to 500, and it sounds like the officer in the field has a lot of power as to which way that punishment goes. For regards to medicinal user who is pretty much flat broke and on benefits and everything, that is still just a horrible imposition. The only way you can exercise compassion toward the medicinal users is really gonna have to be to let everybody kind of slide. I just don't see any other way for that to happen. So that consideration, as far as pushing this matter off again, kicking the cantaloupe further down the road, I don't see much use. The fact of the matter is, this thing can be amended later. And you can certainly discuss it between now and the general meeting, so, thank you.

- And make sure you fill out the form, too. Name and address?

- Tony Spencer, I live on 44 Stewart Street. All the things that were said tonight, Alder Scannell, you had mentioned not jamming up the courts, and there's a lot of talk about municipal court, circuit courts. If you don't want to jam up the courts, it's very simple. Don't. A \$500 fine is still high enough where people will take it to court to beat it, or if not wasting the court's time, will drag out the city attorney's office time, and plea bargaining and whatever subsequent meetings will happen after the first initial appearance. If you don't want to jam up the courts, \$500 is too much. If you want to clear up these resources, make it, either make it no fine or make it a fine that people can afford so that they will not spend any extra time or energy fighting it. And remove the clause of making a second offense a mandatory criminal charge. That would free up the circuit court. And even if the fine is reasonable, it will not continue to jam up the municipal court. It's that simple. If you don't want people to waste the government resources on fighting this or anything, don't make us. I don't really see what the problem is, that's all.

- Anyone else?

- I'm not a city resident but I would like to say a thing.

- Well you can speak on this, please. Pull up the sheet and state your name and address.

- So my name's Miranda Forbes, I live at 2262 Hilltop Drive, Lake Sheboygan. First of all, I want to thank all of you for coming here today and engaging in this conversation. I think that we could do our entire community a huge service by not clogging up our circuit courts. They are hugely overworked, our public defenders are grossly underpaid, and they cannot handle the backlog that they have. It's leading to overcrowding our jails, the taxpayers having to be on the hook for a huge jail expenditure. So if we can backtrack from all of that and do something to help out the people in our community who need this medicine, who science is saying these are legitimate reasons to use this plant in order to treat their symptoms, because nothing else works or the side effects from pharmaceuticals are too heinous for you to even imagine, let's help them. And let's just look out for each other in the respect that the city doesn't need this revenue, the city doesn't need this revenue, and you don't need to, I have a criminal cannabis conviction from 25 years ago. If it wasn't for you, Alder Scannell, in bringing this to the table and taking that out of there, if all these years later with a professional career and everything, I was at a concert with a couple of friends smoking a joint, I'd be getting that felony conviction, a repeater, habitual offender, and I would lose everything over something as simple as enjoying my time, my time off work, my private time. And that wouldn't be fair either, would it? I worked really hard to get where I am. I appreciate all of you engaging in this conversation, and I appreciate what you're hopefully going to be able to do for this community by moving this ordinance

forward, removing all of that fluff. Let's just bring it down to a small, reasonable fine. Nobody's gonna fight it, then. Thank you, appreciate it.

- Anyone else? Motion to close the floor by Alder Steuer, seconded by Alder Vander Leest, all in favor?

- Aye.

- Opposed? OK, we're closed. Anything else?

- Well, when you brought up some points about medicinal, .etc. And I'm looking at this strictly from this item, not so much, you know what, you were alluding to.

- [Gray

-haired Woman] You can protect people like me, today, tonight, you can protect people like me right now. Right now, move this forward.

- Well, could you come back here and state that without getting overly emotional?

- [Gray-haired Woman] I'm like two weeks from a divorce,

- Just hold on a second, I'm asking.

- [Gray-haired Woman] I'm two weeks from a divorce, I'm sick, my kid's just moved, I don't know.

- We need to open the floor again if you want to have this discussion. OK, motion to open the floor by Alder Steuer. Second by Alder Stevens, all in favor?

- Aye.

- Yeah, if you want to.

- That's fine.

- It's all I'm gettin' at.

- If you could just speak to that effect, we're trying to do right. I'm sorry.

- Life sucks. I'll just read what I had before. What I had written. First thing was actually that I wanted to address something that was said about the last meeting, drug testing for employment. If there's any tech-savvy path people here that our looking for a job that does not drug test, that can work from the comfort of their home, support.com is hiring customer support technicians, just wanted to throw that out there. We are employable. Zero dollar fines with no paper trail are the only way to protect medical cannabis users in our community, the worst thing that should happen to anyone for possession of cannabis is losing the cannabis. That's expensive enough. I'll spare you the long speech until this reaches the full council except I will have a big, dramatic thing for that, so. Thank you for your time. The other chance.

- Any questions, any questions?

- Not for her.

- OK. Sure, the floor is open if there's something else you wanna add.

- I just want to also mention, I am a transgender woman, I would like to think that would not matter in terms of how I would be handled or anything would happen should I have interaction with the

police department. Sadly, the experience of my community says otherwise. I'd like to at least take the teeth out of the high end on this.

- I'd just like to ask this. For those who are looking for more information to delay this further, what are you afraid of in going to council? Are you afraid that your opinion won't be the majority? Is that why you're trying to delay it? Is it really, don't give me whatever you're going to try and justify it with, I'm not asking for an answer, I'm asking you to ask yourself, what are you afraid of? That's all.

- A motion to close the floor.

- Motion to close the floor by Alder Steuer. Second by Alder Stevens.

- All in favor?

- Aye.

- Closed.

- Barb had a question.

- Yep, yep, yep. Or a comment, yep. She can do that any time.

- Yeah, I know.

- The floor's closed.

- Well, Randy, I think you and I were more on the same page a long time ago, and so I'm still trying to wrap my brain around why the fine has to be so high. I don't understand that. I know we can't do anything about de

-criminalization, well, we can decriminalize, but we can't make it legal.

- Right.

- We can't single out people with medical

- We can't differentiate.

- We can't differentiate.

- No, I looked into that.

- And that was explained to me that you can't legally get a prescription in Wisconsin, is that true? In Wisconsin, you can't do it, right?

- You know, when I think about a glass of wine and a joint. I mean, it's, I'm having a difficult time with this, especially since states started making it legal, it's legal now in parts of the United States. It's not legal here, and it's causing a lot of backup and back

-log, and why should people be going to jail just for that. If there's something else that they did wrong, well then that's what they should be charged with, there's something else they did wrong. I still have to be convinced of more than a \$25 fine, I guess. I don't understand why it's 500, I mean, I understand what you said, so it gives police a little bit to

- And our district attorney. Actually, what was mentioned was that

- But it shouldn't even, why is it going to the district attorney? I thought we took that away.

- No, no, not the district attorney. I'm sorry, I meant to say city attorney. I meant to say our city attorney, I'm sorry. I didn't mean DA, yeah. Rich.

- But just based on the possession of some marijuana, there must have been other things added to it where the city attorney would want to have wiggle room.

- Yeah, well

- I don't understand that part, if there's something else to be charged with to get a punishment for, then that's what they should get it for, not for marijuana.

- Right. The problem is, we can't legalize.

- I get that.

- So there will be enforcement, and there will be things brought before the city attorney. If it's a \$500 fine, he can then lower it if someone says I can't pay that, and this is, this keeps it out of the courts. Because if you make it too low, then someone who feels they don't want this on their record will fight it. If you make it a fine where it's not worth their time to fight it, but to negotiate, to plea deal it out and keep it out of the court system

- So it could work in their favor?

- Yeah, and that's the whole purpose, to give it wiggle room, that our city attorney can make it work in their favor to keep things out of court. That's what he wants to do as well.

- So we're taking away the driver's license part, right? That's in there, taking away the, after the first offense it doesn't have to go beyond that.

- Right, it's not on their record.

- And I guess if someone's driving under the influence, and it could be under the influence of marijuana, is that a different thing?

- That would be a D.W.I.

- That's a different thing, right, we're really just talking possession.

- And I think the problem with having it in your personal home, again, that's legalizing and I think there's many in our staff and police enforcement who are uncomfortable going that far, as much as I dislike it, and I think many others, that it's illegal, it is, and we took an oath to uphold the law, not just the laws we don't like. Laws we like, so, we have to follow the law, and we have to still say, yeah, this is illegal and there's still some consequences and we still have to play that game until we can change the state law. I don't think it's appropriate to use our powers to completely corrupt the law, that's not what we're here to do. I understand, so a person might feel forced to vote yes in Council if they don't agree with all parts of this, because if you vote no, we're back to the old law, right?

- Right.

- OK, just wanted to understand that, thank you very much.

- Sure.

- I'll make one point that you brought up, you were saying, you know, \$500 is still a lot for a lot of people, and so, with that being said, you could say 500, a thousand, 250, I think no matter what number you put on it, it's gonna be a hardship somewhere down the line for somebody. That's why you have fines. In my belief, I have no problems, personally, with talking about medical marijuana. Like I said, though, we're looking at all cases here, and that's the difficulty with this. So I'm still kind of torn, but I realize we have to uphold certain things.

- Well the purpose of the \$500 fine is to make it a bit of a hurt so they plea bargain. So the purpose is to make it still to have a little teeth to it so that people are willing to plea bargain. But we're gonna make it more reasonable. Instead of a thousand, 500's the most, is the max. In practice, from talking to Judge Hanson and our city attorney, it's rarely, usually it's plea bargained way down and it's taken case-by-case and they try to do their best. I think it's the same with law enforcement. I think no matter what we do, it's going to come down to the people who make this work. Our law enforcement, our city attorney, our judges, they're the ones who are gonna be set using our guidelines, they can make it hard, they can make it easy, and I believe we got good people in place. They're gonna do the right thing, I think, 99.9% of the time. I think, for myself, I want to get the ball rolling in the right direction, but I wanna be, but I still have to respect the law that I disagree with. I think it's a dumb law, I think it's a wrong law, but I still, I took an oath to uphold the law, so I don't want to de-fang it to the point where it's no longer a law. I think that's, I'm not comfortable doing that, I think that's wrong. In a righteous, in a moral sense it's right, but in a legal sense, it's wrong, I think I have to go that way. As far as medical marijuana, as was stated, we cannot make any differentiation, we cannot separate out, we cannot say medical marijuana is OK, a lesser fine or whatever, we cannot differentiate between, because the state does not differentiate. The state says all marijuana is illegal. So we, our hands are tied there, unfortunately. Otherwise the case to completely de-criminalize that would be great, but, again, I think that that takes a law that I just don't feel that's within my power, that that's something I should be doing. I took an oath to uphold the law and I need to uphold the law as best I can, I think this law, there's plenty of room where we could tweak, where we can make it better, we still have to have things in place to address this law. That's where I'm at.

- I just want to ask our attorney, you've probably stated it already, but as far as the city's stand on this, could you just reiterate that? I know you've already repeated it, I'd like to hear it again.

- I don't think the law department has a stand one way or another, I think what we are proposing is reasonable with respect to what other communities are doing, and it would have the added benefit of reducing cases that are being referred to the DA's office that may not necessarily, or shouldn't necessarily be going to the DA's office because of an ordinance provision preventing us from being able to prosecute a second and third offenses and so forth. And, also to make that point with the max of 500, to kind of bring back what Lieutenant Mahoney had said that in all of his years of service, he's only maxed out a ticket one time, so I don't think that \$500 is where the majority of tickets are gonna land. But to just keep that in mind that that's the absolute top.

- So even when we do max out, we still have reduced our

- Right.

- Considerably.

- It's not something that officers do frequently, I mean, 99.9% of the time, it'll be somewhere lower.

- [Alder Johnson] So if we don't frequently issue them at the max, how frequently do we issue them at the minimum?

- [Alder Dorff] That's what Alder Vander Leest asked, but then that would be waiting another two weeks to find out, he asked to get the data.

- [Steve] I have to say I'd have to reinvent a new statistical model to actually differentiate that.

- I just got one quick question.

- Certainly.

- If you look at what we're talking about here, you look at the federal law, and you look at the state law, there hasn't been much done on this. It's in its very infancy, like, in Colorado where they've legalized it, for example, the federal government hasn't endorsed it. They have trouble with the banks handling the money that's being taken in, there's so many things coming, in other words, where they've actually legalized it. The federal government has not endorsed it, that's some of the problem. In other words, you look at where we're at right now, state of Wisconsin, in other words, it's against

the law. And same thing with the federal, federal government it's against the law. And that's where we're at right now. And I think that, you know, the federal and the state should be working hand in hand to come to a agreement, what's gonna be done, and I think that's, you know, they've been dragging their feet a long time. Now we can't let our own city government here. We hear that, from what the police officers have said here tonight that 99.5% of the time, the fines aren't that exorbitant. So in other words, I think that the state legislature and they should be the ones to kind of push the federals, get something done. We have our state senators, congressmen, that's the federal end of it, we have our US Senators, US Congressmen, then we got our state representatives, and I think that those branches should be working hand in hand to get the results that we're looking for here.

- We're not looking to legalize, we can't legalize, so the feds and the state, they're the only ones who can legalize, we don't have the authority, and what we're doing here now is not legalizing, we are not legalizing, and anything we do here really has nothing to do with the state or the fed. We are working within our jurisdiction and within our purview and right as a municipality, so we are not, there's nothing that the state or the fed can come in and jump on us on it like they can with a state that has legalized it. There is that discrepancy, but what we are doing here is perfectly within our jurisdiction, and no state or federal agency or branch of government has any say over that, we are within our purview of what we are doing. We are not going against anything, any guideline that they have made, or any law that they have made. So that was my argument about reducing the fine to zero and basically making the law non-existent, by completely wiping out all the penalties, I mean, then we've basically nullified the law. And I don't think that's something we should do, certainly the state, I don't know what they'd do, maybe they wouldn't do anything, but I think they would certainly be within their prerogative to do something, I don't know if they could hold state money that we would normally get or what all could happen, but we could certainly be setting ourselves up for some liabilities. So we still have teeth to our law, and we're still saying, yes, this is a law, it's illegal in Green Bay to have marijuana. I think we're making the consequences more sensible and more practical and reducing the caseload for the DA which I think is certainly a very good thing for all. So, what do you want to do?

- I got one idea here tonight, I'm sure you'll all jump up in the air.

- I might.

- You might. But looking at the whole thing that we're not legalizing this, but if the scenario was that there would be no fine whatsoever, we're still not legalizing it but the discretion for us would be no fine.

- That's still

- It's still legal. Illegal, I mean, no fine. I'm just throwing that out.

- Right, and I just addressed that.

- Well, you did, but I just felt.

- That you have basically nullified the law. You have basically

- Are you a lawyer? Are you an attorney?

- Yeah.

- You are?

- I have spoken with our attorneys. You have basically nullified the law if you do away with, like what we talked about with Monona. They have basically nullified the law and they have basically thumbed their nose at state statute.

- I want to hear it from her.

- Well, she just said that.

- Say it again.

- I would not advise setting up an ordinance that would be contrary to state statute.

- I have a question, how do you feel about Madison's ordinance?

- That one, again, it kind of totes the line. I think police often aren't enforcing within people's homes, I think it would be a rare situation unless they were there for another reason.

- That was my question.

- With probable cause. So I think that's kind of a moot point as far as not issuing within a residence, for possession within a residence, and otherwise, unless it's a prescription which only, you can only have CBD for a valid prescription, in Wisconsin, otherwise, if they are possessing they do have a fine, it's just up to a hundred.

- [Alder Johnson] There's been a little discussion about referral on this one and do a little bit more homework, and initially I was kind of favoring that, only because I think that as proposed I don't think this goes far enough. But after I hear the dialogue, I've heard some of the public testimony on this one, too. I think I've sort of logically switched my mind in the sense that I'd like to see you advance this on to council, I'd like to see the full council debate this issue, primarily because we can offer amendments at the council level and I suspect that you will see several amendments offered. And so, because of that, I'd like to suggest that we not refer this back to staff, that we take this issue on, that we be willing to have a public discussion about it. I'd like to have more discussion about toting the line, and the leadership role that we can take as a community on that while still upholding the law. I'd like to really have a frank conversation about things like more flexibility to enforce belligerent behavior that is likely caused because of this issue, and so, again, I think there are gonna be plenty of amendments that could potentially be offered up on this at the full council level. So because of that, I'd like to see it not referred. Pass it as is, we'll debate it at the council.

- And I think, I, too, at council, it would be good to hear, I would like to hear other council members, how they feel about this, and not only that they be offering amendments, at council, we could decide to refer it back to this committee if people need more information, if there's information they feel they need to get. That's something we may end up doing at council after discussing it. I think I would like to see this go forward to get more input, see what the council thinks, and either we can amend or we can kick it back to us to whatever the council decides needs to be looked into, so I, too, kind of favor going forward with this and seeing where it ends up. It could end up any number of ways, but I think, I would like to see the full council discuss this. I'm in favor of advancing it.

- As is.

- As is. And we can, in the meantime, perhaps, we could get some of that information that was brought up, the two questions by committee, and that could be shared at council.

- My thoughts are I'd like to get the information first and then present it to city council, and then we could have our discussion at city council.

- Will we have that in time?

- Whatever it would take the amount of time they would get to get the information as far as a six month backlog on what's taken place in the city of Green Bay, and what the fines were and how many people were cited and fined and whatever, I think that information is very critical as far as how we're gonna look at it as a city council. Is this really an issue or is it not an issue? I think that'll be the telling of with the police department what's really taking place within, what's been done in the last six months. How many cases have been fined, how many people have lost their driver's license, I think these are, if we have 25 or 30 people that lost their driver's license, I'd sure like to know about it right now before we go any farther. If we haven't had that many people lose their driver's license, how many people and what were the fines, I don't think that's out of the question. We've never really discussed this before. It's just been brought up here, Randy's just brought it up in the last few months. I've not been on this committee before to begin with, so I think that the information is very critical, how we're handling it right at our, how the city of Green Bay's handling it as far as the police department, how many people have been fined and what the fines are. I think that's the information we really want to know. Is this really a big deal or is this not a big deal? I think that the statistics will tell us.

- Well, for myself, I have no problem with an alder needing that information. I don't need that information, and I'm not sure how many other alders need that information to go forward with this, especially since there are portions of this that may be fine that we could pass as a council next time and separate certain issues to go back to committee to be worked over, so I'm still in favor of moving this forward, because part of why I feel this is important to move forward is it says something about us as a city. Are we a progressive city that is cognizant of what's going on, meaning it's legal in Michigan, it's legal in Minnesota, it's legal in Canada, this isn't an issue that's gonna go away, what are we gonna do to address this issue? And I think taking a progressive view and decriminalizing this to some, even if it's just as a symbolic gesture, I think says something about us as a community, as a city, and has an effect on how people see this community and want to be involved in this community. So,

I'm still in favor of going forward and if the council feels this needs to get kicked back, fine, if there's enough of you that feel that way, or any part of it, I would really like to see, broaden out this discussion and get more feedback from the council in general, see how this flies, and adjust accordingly.

- I'll defer to Alder Vander Leest, if you want to make a motion to that effect?

- I'd make a motion that

- You can make a motion to hold.

- Well, whatever.

- I make a motion to hold proposal until we got more information from the city of Green Bay police department.

- Hold to next meeting?

- Our next committee meeting?

- Just so that I have it, motion to hold until the next meeting and for staff to bring back how many citations were issued in residences versus in public places, how many people have lost their driver's licenses in the last six months, pursuant to a citation, and how many citations were issued in the last six months and the amounts.

- That's correct, that'd be fine.

- There a second?

- I'll second.

- Second by Alder Steuer. Any other discussion? OK, we better vote on this.

- Nothing came up.

- I voted. I guess my vote counts, the only one.

- Alder Stevens, how would you like to vote?

- I'll vote yes.

- Vote yes? Yes to hold.

- So two holds?

- So Alderman Vander Leest?

- To hold until we get the information.

- So, yes. So I would have Stevens for yes, Vander Leest for yes, Steuer for yes, and Scannell for no, so that passes

- Three to one.

- Three to one.

- So, motion, item number four will be held until our next Protection and Policy meeting two weeks from now on a vote of three to one.

- [Alder Dorff] May I have a point of clarification?

- Certainly.

- [Alder Dorff] So this will still be on the council agenda, right?

- No, well, the motion to hold it.

- The motion to hold will be on the report, so this item can still be pulled at council.

- [Alder Dorff] That's what I'm saying, so it still can be pulled at council.

- Correct.

- [Alder Dorff] OK, just curious about that, thank you.

- We ready to move on?

- Yes.

- We are on to liquor violation report from the police department for September 24, 2018.

- [Steve] We do not have any liquor law violations over the last two weeks.

- Wow, we are really on a roll. Motion to receive and place on file, by Alder Vander Leest, seconded by Alder Stevens, all in favor?

- Aye.

- Public hearings, you hear 'em? Listen, you hear 'em? I believe we are at adjournment. Motion to adjourn? Motion to adjourn by Alder Vander Leest, seconded by Alder Stevens, all in favor of that?

- Aye.

- Opposed? We're adjourned. Log out, make sure you log out.