



AGENDA OF THE PROTECTION AND POLICY COMMITTEE

**MONDAY, OCTOBER 22, 2018, 5:30 PM
CITY HALL, ROOM 207**

A. Roll Call.

B. Approval of the Agenda.

1. Approval of the agenda for the October 22, 2018 Protection & Policy Meeting.

C. Approval of Minutes.

1. Approval of the minutes for the October 8, 2018 Protection & Policy Meeting.

D. Regular Business.

1. Discussion with possible action on General Ordinance No. 28-18, an ordinance to repeal and recreate Section 6.15 Green Bay Municipal Code, relating to special events, previously discussed at the October 8 Protection & Policy meeting.
2. Consideration with possible action on a change of agent for Krist Oil Company at 1180 E. Mason St.
3. Consideration with possible action on an application for a retail license transfer - premises to premises by Carnitas El Bajio to transfer his Class "B" Beer license from 1742 E. Mason St. to 1698 E. Mason St.
4. Consideration with possible action on a request by Skogen's Foodliner, Inc. at 2430 University Ave. to amend their liquor license description from "One story cement building SEP W&S Storage and checkouts" to "one story cement building, approximately 80,110 sq. ft., with separate wine and spirits storage and checkout, including designated stalls in parking lot for online grocery pickup."
5. Consideration with possible action on an application for an available "Class B" Combination License for Everardo Curiel at 1657 Main St. (previously licensed in the 2016-2017 license year as Nic's Bar).
6. Consideration with possible action on an application for a "Class B" Combination license for Titletown Tobacco LLC at 159 N. Broadway (currently Prohibition Spirits LLC).

7. Consideration with possible action on an application for an available "Class B" Combination license for Amphora Wine Bar, LLC at 131 N. Broadway with a licensed description as "bar area, seating area, back bar area, and storage in the basement on 131 N. Broadway."
8. Consideration with possible action on an appeal by Evelyn Buford to the denial of her Operator's License.
9. Discussion with possible action on a General Ordinance 27-18 amending Section 27.902(2), Green Bay Municipal Code, relating to penalties for marijuana possession, previously discussed at the October 8 Protection & Policy meeting.
10. Consideration with possible action on a request by Ald. Scannell that the Advisory Committee be dissolved and any items still on it's agenda be place on Protection and Policy.

E. Informational.

- I. Liquor Violation Report from the Police Department for October 22, 2018

F. Adjournment.

- 1) THIS MEETING IS RECORDED: THE VIDEO OF THIS MEETING AND MINUTES ARE AVAILABLE ONLINE AT www.greenbaywi.gov
- 2) ACCESSIBILITY: Any person wishing to attend who requires special accommodation because of a disability, should contact the City Safety Manager at 920-448-3125 at least 48 hours before the scheduled meeting time so that arrangements can be made.
- 3) QUORUM: Please take notice that a majority or quorum of the Common Council will attend this Protection and Policy committee meeting and will constitute a meeting of the Common Council for purposes of discussion and information gathering relative to this agenda.
- 4) REPRESENTATION: The party requesting the communication, or their representative, should be present at this meeting.
- 5) FOR ALL LICENSING ISSUES, the Committee may potentially convene in closed session pursuant to §19.85 (1)(b) and/or §19.85 (1)(f) Wisconsin Statutes, for the purpose of considering information with respect to licensing for a person. The applicant has the right to demand that the meeting be held in open session. The applicant may also request that the meeting be held in closed session. The Committee may, thereafter, reconvene in open session pursuant to §19.85(2) Wisconsin Statutes to report any actions taken during the closed session and to consider all other matters on the agenda. If there are any questions regarding the agenda, please call Jaime, City Clerk's Office, at 448-3011.



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

October 22, 2018

PREPARED BY

AGENDA ITEM # D.I.

Discussion with possible action on General Ordinance No. 28-18, an ordinance to repeal and recreate Section 6.15 Green Bay Municipal Code, relating to special events, previously discussed at the October 8 Protection & Policy meeting.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. GO 28-18 - Repeal and Recreate Section 6.15 relating to Special Events
2. Copy of 2018-10-03 Special Event Application Cost Spreadsheet

GENERAL ORDINANCE NO. 28-18

**AN ORDINANCE
TO REPEAL AND RECREATE SECTION 6.15
GREEN BAY MUNICIPAL CODE,
RELATING TO SPECIAL EVENTS**

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DO ORDAIN AS FOLLOWS:

SECTION 1. Section 6.15, Green Bay Municipal Code, is hereby repealed and recreated as follows:

Sec. 6.15. Special events.

(1) Definitions.

- (a) *Large events.* Special events involving major physical activity by participants, moderate to severe exposure of spectators to hazards, the inclusion of animals or alcoholic beverages and/or crowd sizes over 5,000 spectators and participants. Large events shall include, but not be limited to, team or individual sporting events, circuses, carnivals with rides, parades with floats, marathons or similar races, walks for charity, social gatherings, music festivals, art festivals, farmers markets, performances, and exhibitions. Vehicle barriers may be required for large events.
- (b) *Medium events.* Special events involving physical activity by participants, moderate exposure of spectators to hazards, the inclusion of animals or alcoholic beverages and/or 1,000 to 5,000 spectators and participants. Large events shall include, but not be limited to, team or individual sporting events, circuses, carnivals with rides, parades with floats, marathons or similar races, walks for charity, social gatherings, music festivals, art festivals, farmers markets, performances, and exhibitions.
- (c) *Normal use of a park.* Normal use of a park will depend on the type of park engaged for that activity and will be determined by the Director of Parks, Recreation and Forestry or his/her designee.
- (d) *Person.* Any person, firm, partnership, association, corporation, company, or organization of any kind.
- (e) *Resident.* A resident is a person who maintains their primary living quarters within the city limits.
- (f) *Safety manager.* The Safety Manager of the City of Green Bay or his/her designee.

- (g) *Simple events.* Special events involving a small non-profit or neighborhood association where the principal applicants reside in the City of Green Bay. Simple events are limited to neighborhood or small non-profit events that take place either in a City park or occur as a block party. Simple events will have limited physical activity by participants, no severe exposure of spectators to hazards, and crowd sizes of less than 250 spectators and participants. Simple events shall include, but not be limited to, picnics, annual meetings, movies in the park, and block parties.
 - (h) *Small events.* Special events involving limited physical activity by participants, no exposure of spectators to hazards, and crowd sizes of less than 1,000 spectators and participants. Small events shall include, but not be limited to, team or individual sporting events, walks for charity, social gatherings, small-budget film making, music festivals, art festivals, farmers markets, performances and exhibitions.
 - (i) *Special Event.* An athletic event, ceremony, demonstration, exhibition, march, pageant, parade, procession, race, show or other similar display which interferes with the normal flow or regulation of traffic upon the streets, sidewalks, or rights-of-way, or the normal use of parks or other public grounds.
 - (j) *Special Event Committee.* The Special Event Committee shall be made up of members from City departments, including but not limited to the Police Department, Fire Department, Department of Public Works, Community and Economic Development Department, and the Parks Department. The Special Event Committee shall be responsible for evaluating and taking action on applications for special events.
 - (k) *Special Event Coordinator.* The person who will coordinate between applicants and City departments, ensuring appropriate departmental approval of special events applications.
 - (l) *Special Hazard Event.* Special events involving severe exposure of spectators to hazards and/or crowd sizes in excess of 5,000 spectators and participants. Special hazard events shall include, but not be limited to, professional or collegiate sporting events, vehicle races, athletic events in Green Bay or on the Fox River, and fireworks displays. Vehicle barriers may be required.
- (2) *Permit required.* No person shall conduct, manage, engage in, or participate in a special event unless a permit has been approved by and obtained from the Special Event Coordinator and Special Events Committee, or their designees.

(3) *Exceptions.* This section shall not apply to funeral processions or governmental agencies acting within the scope of their functions.

(4) *Application.*

(a) *Filing and contents.* An application for a special event permit shall be filed with the Special Event Coordinator in the following timeframes: for a large, medium or small event, not less than 60 days before the event is to take place; and for a simple event, not less than 15 days before the event. The application shall set forth the following information:

1. The name, address, and telephone number of the person seeking to conduct such event.
2. The name, address, and telephone number of the event coordinator.
3. The date(s) of the special event.
4. The event location or route to be traveled, the starting point, and the termination point, including a map.
5. The approximate number of spectators and participants anticipated, the number of animals and vehicles included in the event, the type of animals, and description of the vehicles.
6. The start and end time of the event.
7. A map detailing the portions of the sidewalk, street or other right-of-way proposed to be included or utilized in the event.
8. The location by streets of any assembly areas for such event, including a map detailing the assembly areas.
9. The time at which units of the event will begin to assemble at any such assembly areas.
10. The interval of space to be maintained between units of such event.
11. Whether any alcoholic beverages will be served and/or consumed in conjunction with the event, the locations of such activities, and whether the necessary licenses have been obtained.
12. Any additional information which the Special Event Coordinator finds reasonably necessary to determine whether a permit should be issued.

(b) *Insurance and indemnification.* Proof of insurance or indemnification is required for all events, except for recognized neighborhood associations hosting simple events. Applicant shall furnish a certificate of insurance and indemnification meeting the requirements set by resolution of the Common Council.

(c) *Application Fee.* A non-refundable application fee to cover the administrative costs of processing the permit shall be paid to the City by the applicant when the application is filed according to the Special Event Fee Schedule.

(d) *Special Event Fee Schedule.* The Special Event Fee Schedule shall be established by the Safety Manager with approval by resolution of the

Common Council, and may change from time to time. A copy of the Special Event Fee Schedule shall be available in the City Clerk's Office and on the City's website.

- (e) *Special Hazard Fee.* A special hazard fee will be charged for special hazard events in addition to the application fee. Special hazard fees will be invoiced to the applicant after the application has been approved and it has been determined that the event qualifies as a special hazard event. The special hazard fee will be established by the Special Event Fee Schedule.
 - (f) *Cancellation Fee.* A cancellation fee will be charged for any events cancelled within 15 days of the scheduled event date. The cancellation fee will be established by the Special Event Fee Schedule.
 - (g) *Late applications.* The Special Event Coordinator, where good cause is shown, may consider any application which is filed less than 15 days before a simple event, or less than 60 days before a small, medium, or large event is proposed to take place, and may also assess a late fee as described in the Special Event Fee Schedule.
- (5) *Additional city services.* If the special event will require more than minimal use of any city equipment or services, the applicant shall pay the actual costs for the use of such equipment or services. This may include, but is not limited to, Development Department services, Parks, Recreation and Forestry services, Fire Department services, Police Department services, Department of Public Works services and/or barricades. As a condition of the approval of any application, the applicant shall agree to pay, within 30 days of billing, the costs of any additional city services. If applicant does not pay for the additional expended resources within 30 days of billing, the applicant may be denied a permit for future events.
- (a) To ensure public safety for the event and the City, the City reserves the right to require special events to maintain minimum levels of dedicated fire/EMS services and police/security services throughout the duration of the event. Estimated minimum services will be determined prior to the event (see guidelines), but may reasonably increase or decrease as actual event conditions change to ensure public safety. Actual public safety services shall be determined at the sole discretion of the Police/Fire Chief or their respective designee. Outside vendors may be retained for such services; however, City approval of such vendors and services shall be obtained prior to the event.
- (6) *Emergency Fire/Medical Resource Staffing Estimates for Special Events.* Emergency Fire/Medical Resources Matrix for Special Events is a guideline applicants may use to better understand requirements and recommendations for appropriate levels of emergency medical resources and services for special events. The Fire Chief or his/her designee will determine the need for multiple or additional resources based on special risk considerations, which

will be communicated to the event organizer. The Fire Chief or his/her designee may waive the requirement for services depending on the event, location, time of year, etc. Costs associated with these resources are the responsibility of the event organizer.

- Required resource
- ✓ Recommended resource

Event Type	Anticipated Maximum Crowd Size	Knowledge of 911 Access and CPR	Basic First Aid Station(s)	First Aid Station(s) Including Nurse	First Aid Station(s) Including Physician	ALS Ambulance(s)	Mobile Team(s)
Any event requiring a special event permit	Simple event (less than 250)	●	✓				
	Small event (under 1,000 persons)	●	✓	✓		✓	✓
	Medium event (1,000-5,000 persons)	●	●	✓	✓	●	●
	Large event (over 5,000 persons)	●	●	✓	●	●	●

(7) *Public Safety and Security Resources Officer Staffing Estimates for Special Events.* Police Department Matrix for Special Events is a guideline applicants may use to better understand requirements and recommendations for appropriate levels of police resources and services for special events. The Police Chief or his/her designee will determine the need for multiple or additional resources based on special risk considerations, which will be communicated to the event organizer. The Police Chief or his/her designee may waive the requirement for services depending on the event, location, time of year, etc. Costs associated with these resources are the responsibility of the event organizer.

- Required resource
- ✓ Recommended resource

Event Type	Anticipated Maximum Crowd Size	4—9 Officers Plus 0—1 Supervisors	9—14 Officers Plus 1—2 Supervisors	14—21 Officers Plus 2—3 Supervisors	21—30 Officers Plus 3—6 Supervisors
Any event requiring a special event permit	Simple event (less than 250 people)	✓			
	Small event (under 1,000 people)	•	✓		
	Medium event (1,000-5,000 people)		•	✓	
	Large Event (over 5,000 people)			•	✓

(8) *Special risk considerations.* Special risk considerations may affect the required Fire, Medical, or Police resources referenced in Sections 6 and 7. Examples of special risk considerations include but are not limited to:

- ☐ Night vs. daytime
- ☐ Alcohol availability/use
- ☐ Length of event
- ☐ Type of event
- ☐ General admission/reserved seating
- ☐ Location/geography/multiple locations
- ☐ Weather/time of year
- ☐ Problems encountered w/event in past
- ☐ Fireworks/pyrotechnics
- ☐ Traffic control

(9) *Standards for issuance.* The Special Event Coordinator shall review the application, consult with the Safety Manager and other city departments as necessary, and consider any other such information obtained by or provided to the Special Event Coordinator. The permit shall be issued when the Special Event Coordinator has determined that:

- (a) The applicant has complied with all of the application requirements of subsection (4).
- (b) The conduct of the event will not substantially interrupt the safe and orderly movement of other traffic in the vicinity of its location.

- (c) The conduct of the event will not require the diversion of so great a number of police officers as to prevent normal police protection to the city.
 - (d) The concentration of persons, animals, and vehicles at the event will not unduly interfere with proper fire and police protection of or ambulance service to areas in the vicinity of the event.
 - (e) The conduct of the event will not unduly interfere with the operation of hospitals, schools, or other public institutions.
 - (f) The parade, race, or march is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays.
 - (g) The special event will not conflict or interfere with another special event for which a permit has already been granted.
 - (h) There are a sufficient number of parking spaces within a reasonable distance to accommodate the number of vehicles expected.
 - (i) Adequate sanitation or other necessary health facilities will be available at the event.
 - (j) The conduct of the event is not reasonably likely to cause injury to persons or property.
- (10) *Action upon application.* The Special Event Coordinator shall provide written notice of the issuance or denial of the permit within 15 days of receipt of an application. If the application is denied, the notice shall state the reasons for the denial.
- (11) *Appeal procedure.* Any person aggrieved may appeal the denial of a special event permit to the Protection and Policy committee. The applicant shall file written notice of appeal with the City Clerk within seven (7) days after receiving notice of the denial. Within 15 days of receipt of the appeal, the Committee shall give the applicant an opportunity to be heard.
- (12) *Notice to city and other officials.* Immediately upon the issuance of a special event permit, the Special Event Coordinator shall send a copy thereof to the Mayor, the Chief of Police, the Fire Chief, the Director of Parks, Recreation and Forestry, the Director of Development and the Director of Public Works.
- (13) *Duties of permittee.* A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.
- (14) *Public conduct during parades, races, walks, or marches.*
- (a) *Interference.* No person shall obstruct, impede, interfere with, or unreasonably hamper any parade, race, walk, march or parade assembly or with any person, vehicle, or animal participating or used in a parade.

- (b) *Driving through parades, races, walks or marches.* No person shall drive a vehicle between the vehicles or persons comprising a parade, race, walk or march when such vehicles or persons are in motion and are conspicuously designated as participating in such an event.
- (c) *Parking on parade, race, walk or march route.* The Chief of Police may prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade, race, walk or march. The Chief of Police shall post signs to such effect, and no person shall park or leave unattended any vehicle in violation thereof.

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. Effective date. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2018.

APPROVED:

Mayor

ATTEST:

Clerk

KKJ

10/16/18

Simple Event (under 150 people) 2 or fewer departments	Application Fee	non resident up-charge	Late Application Fee	First time event up-charge	Event location change	Event Cancellation Fee
n-hood association park event	0	n/a	25	0	n/a	0
n-hood association block party	0	n/a	25	0	n/a	0
sm non-profit park event	25	n/a	25	50	0	10
sm non-profit block party	25	n/a	25	50	0	10
Athletic Event						
small -- under 1000	75	300	15	50	35	25
medium--1001 to 5000	200	400	75	150	100	65
large--over 5,001	300	500	100	250	150	100
						0
Other Event						0
small--under 1000	50	150	50	50	25	15
small-budget film/photgraphy	25	15	10	0	15	15
medium--1001 to 5000	175	200	75	150	85	60
large--over 5001	275	250	100	200	135	90
Special Hazard Event	550	250	100	200	135	90



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

October 22, 2018

PREPARED BY

AGENDA ITEM # D.2.

Consideration with possible action on a change of agent for Krist Oil Company at 1180 E. Mason St.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. changeofagent_Krist



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

October 22, 2018

PREPARED BY

AGENDA ITEM # D.3.

Consideration with possible action on an application for a retail license transfer - premises to premises by Carnitas El Bajio to transfer his Class "B" Beer license from 1742 E. Mason St. to 1698 E. Mason St.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. carnitas el bajo



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

October 22, 2018

PREPARED BY

AGENDA ITEM # D.4.

Consideration with possible action on a request by Skogen's Foodliner, Inc. at 2430 University Ave. to amend their liquor license description from "One story cement building SEP W&S Storage and checkouts" to "one story cement building, approximately 80,110 sq. ft., with separate wine and spirits storage and checkout, including designated stalls in parking lot for online grocery pickup."

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. Festival_Foods_2430 University Ave.



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

October 22, 2018

PREPARED BY

AGENDA ITEM # D.5.

Consideration with possible action on an application for an available "Class B" Combination License for Everardo Curiel at 1657 Main St. (previously licensed in the 2016-2017 license year as Nic's Bar).

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. FLOOR PLAN_1657 MAIN
2. LA KERMES
3. License Stipulation_1657 Main
4. olde main moratorium

RESOLUTION LIMITING THE NUMBER
OF LICENSED ESTABLISHMENTS IN THE
OLDE MAIN STREET BUSINESS IMPROVEMENT DISTRICT

October 23, 2007

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

WHEREAS, the Common Council is concerned with the present high concentration of Class "B" liquor license establishments in the Olde Main Street Business Improvement District, which can impair the public peace, safety, welfare, and order in this area; and

WHEREAS, pursuant to the powers reserved under Ch. 125 Wis. Stats., the Common Council wishes to limit the number of Class "B" Beer and Class "B" Combination Liquor Licenses, issued to establishments in and around the area of the Olde Main Street Business Improvement District; and

WHEREAS, it is the intent of this resolution to allow present Class "B" liquor license establishments to sell, maintain, renew or transfer their licenses within such area.

NOW, THEREFORE, BE IT RESOLVED:

1. Limitation Area. Any property within the following-described area:

All of Lots 154 through 162, Lots 169 through 191, Lots 193 through 231, Lots 262 through 294, Lots 301 through 322, Lot 402, Lots 420 through 422, Lots 435 through 438, Plat of Navarino. Also, all of the Certified Survey Map recorded in Volume 7, Page 287, being part of Lot 205, Plat of Navarino. Also, all of the Certified Survey Map recorded in Volume 12, Page 197, Brown County Records, being part of Lot 180, Plat of Navarino. Also, all of the Certified Survey Map recorded in Volume 25, Page 180, Brown County Records, being part of Lots 169 and 170, Plat of Navarino. Also, all of Lots 1 through 5, Subdivision of Lots 192, 434, and the north 2 feet of Plat of Navarino. Also, all of Lots 68 through 152 and the tract of land described in Volume 145, Page 405, Brown County Records, Whitney's Addition to Navarino. Also, all of Lots 1 through 8, Lots 99 through 105, Lots 108 through 114, Lots 143 through 150, Plat of Oak Grove. Also, that part of Private Claim 2, east side of Fox River, lying within the area formerly known as Lots 295 through 300, Plat of Navarino. Also, that part of the Plat of Navarino, Whitney's Addition to the Plat of Navarino and the Plat of Oak Grove as described in Jacket 4589, Image 26, being part of the former Chicago, Milwaukee, St. Paul and Pacific Railroad Company so called alley track and Cedar Street Spur. Also, that part of any vacated street or alley right-of-way

adjacent to the lands described above located in said Plat of Navarino, Subdivision of Lots 192, 434, and the north 2 feet of Plat of Navarino, Whitney's Addition to Navarino, and Private Claim 2, east side of Fox River. All located in the City of Green Bay, Brown County, Wisconsin. Excepting the south 130 feet of said Lot 402, Plat of Navarino. Also, excepting the south 125 feet of the east 46 feet of said Lot 422, Plat of Navarino (see attached map).

2. Prohibition. The Common Council shall not authorize the issuance of any new or transfer Class "B" Beer License or Class "B" Combination Liquor License within the limitation area, except restaurants, as defined in paragraph 4 hereof.

3. Exceptions.

- a. This subsection shall not prohibit the renewal of a Class "B" Beer or Class "B" Combination Liquor License for an existing premises in the limitation area.

- b. This subsection shall not prohibit the issuance of a Class "B" Beer or Class "B" Combination Liquor License for a previously licensed premises provided that such application is made within 60 days of any of the following:

- i. Surrender by the prior licensee of the license issued for that premises; or
- ii. Termination of the prior licensee's lease for the premises; or
- iii. Revocation of the prior license, for cause.

If application under this subsection is sought after 60 days, the owner of the previously licensed premises may apply to the Protection and Welfare Committee for an extension of the application time on the basis that application of the moratorium would have a substantial adverse effect on the owner's ability to use or enjoy the property. The party requesting the extension must demonstrate this effect by clear, satisfactory and convincing evidence.

- c. All applications and renewals shall be subject to review as provided by Ch. 125, Wis. Stats.

4. Prohibition Not to Apply to Restaurants.

- a. This resolution shall not prohibit the issuance of a Class "B" Beer or Class "B" Combination Liquor License to the operator of a restaurant, where the principal business conducted is that of a restaurant, as defined in Ch. 125, Wis. Stats. If the premises are operated under a Class "B" Beer or Class "B" Combination Liquor License, the principal business conducted is presumed to be the sale of alcohol beverages, but the presumption may be rebutted by competent evidence.
- b. A restaurant licensee operating within the limitation area which fails to maintain a principal business of operating a restaurant at any time later than 60 days after the granting of a Class "B" Beer or Class "B" Combination Liquor License shall be in violation of this subsection and its Class "B" Beer or Class "B" Combination Liquor License shall be subject to revocation.
- c. "Principal business" means the primary activity as determined by analyzing the amount of capital, labor, time, attention and floor space devoted to each business activity, and by analyzing the sources of net income and gross income. The name, appearance and advertisement of the entity may also be taken into consideration in determining "principal business."

Adopted 10/23/07

Approved 10/24/07

Mayor

Clerk

bc

Attachment - Map



Old Main Street Business Improvement District



BID Boundary



Map produced by the
Green Bay/Brown County Planning Department
Printed: November 17, 1998



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

October 22, 2018

PREPARED BY

AGENDA ITEM # D.6.

Consideration with possible action on an application for a "Class B" Combination license for Titledown Tobacco LLC at 159 N. Broadway (currently Prohibition Spirits LLC).

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. FLOOR PLAN_159 N BROADWAY
2. TITLETOWN TOBACCO LLC
3. Titledown Tobacco License Stipulation
4. Moratorium_Broadway

RESOLUTION LIMITING THE NUMBER OF
LICENSED ESTABLISHMENTS IN THE BROADWAY AREA

Green Bay, Wisconsin
September 16, 1997

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

WHEREAS, the Common Council of the City of Green Bay is concerned with the redevelopment of the Broadway area and the present high concentration of licensed establishments in the Broadway area. The high concentration of these establishments in this area has impaired the public peace, safety, welfare, and order; and

WHEREAS, there are currently 34 establishments which hold a Class "B" Fermented Malt Beverage or Class "B" Combination Liquor License. The names and addresses of said establishments are:

Lenny's Tap	431 North Broadway
333 Bar	333 North Broadway
Blazing Saddles	331 North Broadway
The Cannery	319 North Broadway
King's X	313 North Broadway
Titletown Brewing	200 Dousman Street
Carol's Ritz Lounge	119 Dousman Street
Nom's Thai Orchid	240 North Broadway
Central Bar	231 North Broadway
Broadway Cafe	128 North Broadway
Rev's Brass Rail	109 North Broadway
West Pitcher Show	100 South Broadway
Maria's Mexican Family Restaurant	106 South Broadway
Ginny's Heart of Broadway	112 South Broadway
Connie's	128 South Broadway
Country Club Bar & Grill	201 South Broadway
Kar's Place	226 South Broadway
Alamo	301 South Broadway
Nepalese Lounge	515 South Broadway
Blue Side	709 South Broadway
Shnicker's	813 South Broadway
Bourbon Street	821 South Broadway
Sass	840 South Broadway
The Lion's Den	1100 South Broadway
Carol's 9 th Street Tap	316 Ninth Street
The Camelot	1301 South Broadway
Manci's Tuxedo Lounge	1313 South Broadway
Good Times	1332 South Broadway
The Packer Stadium Lounge	1342 South Broadway
Terminal Bar	1423 South Broadway

RESOLUTION LIMITING THE NUMBER OF
LICENSED ESTABLISHMENTS IN THE BROADWAY AREA
Page 2

Hammer Inn
Thirsty's
Loch's Bar
Cropsey's Bar

1208 State Street
1234 State Street
1238 State Street
1336 State Street

WHEREAS, pursuant to the powers reserved under Ch. 125, Wis. Stats., the Common Council wishes to decrease the number of Class "B" Fermented Malt Beverage and Class "B" Combination Liquor Licenses issued to establishments in the Broadway area; and

WHEREAS, it is the intent of this resolution to allow the present Class "B" Fermented Malt Beverage and Class "B" Combination Liquor Licenses to maintain and renew their establishments in accordance with Ch. 125, Wis. Stats.; and

WHEREAS, it is the intent of this Resolution to effectuate a decrease in the number of Class "B" Fermented Malt Beverage and Class "B" Combination Liquor licensed establishments in the limitation area whenever an establishment goes out of business and does not renew its license;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Limitation Area. The area to which the terms and conditions of this section apply is that area on Broadway or business fronting either side of Broadway and those areas east of Broadway to the Fox River, within the city of Green Bay, Brown County, Wisconsin.
2. Prohibition. The Common Council shall not authorize the issuance of any new or transfer of any existing Class "B" Fermented Malt Beverage or Class "B" Combination Liquor Licenses within the limitation area, except restaurants as defined in paragraph 4 hereof.
3. Exceptions.
 - a. This subsection shall not prohibit the renewal of a Class "B" Fermented Malt Beverage or Class "B" Combination Liquor License for an existing premises in the limitation area.

RESOLUTION LIMITING THE NUMBER OF
LICENSED ESTABLISHMENTS IN THE BROADWAY AREA
Page 3

- b. This subsection shall not prohibit the issuance of a Class "B" Fermented Malt Beverage or Class "B" Combination Liquor License for a previously licensed premises provided that such application is made within 60 days of any of the following:
 - i. Surrender by the prior licensee of the license issued for that premises; or
 - ii. Sale of the premises by the prior licensee; or
 - iii. Termination of the prior licensee's lease for the premises; or
 - iv. Revocation of the prior license, for cause.

If application under this subsection is sought after 60 days, the owner of the previously licensed premises may apply to the Protection and Welfare Committee for an extension of the application time on the basis that application of the moratorium would have a substantial adverse effect on the owner's ability to use or enjoy the property. The party requesting the extension must demonstrate this effect by clear, satisfactory and convincing evidence.

- c. All applications and renewals shall be subject to review as provided by Ch. 125, Wis. Stats.

4. Prohibition Not to Apply to Restaurants.

- a. This resolution shall not prohibit the issuance of a Class "B" Fermented Malt Beverage or Class "B" Combination Liquor License to the operator of a restaurant, where the principal business conducted is that of a restaurant, as defined in Ch. 125, Wis. Stats. If the premises are operated under a Class "B" Fermented Malt Beverage or Class "B" Combination Liquor License, the principal business conducted is presumed to be the sale of alcohol beverages, but the presumption may be rebutted by competent evidence.

RESOLUTION LIMITING THE NUMBER OF
LICENSED ESTABLISHMENTS IN THE BROADWAY AREA
Page 4

- b. A restaurant licensee operating within the limitation area which fails to maintain a principal business of operating a restaurant at any time later than 60 days after the granting of a Class "B" Fermented Malt Beverage or Class "B" Combination Liquor License shall be in violation of this subsection and its Class "B" Fermented Malt Beverage or Class "B" Combination Liquor License shall be subject to revocation.
- c. "Principal business" means the primary activity as determined by analyzing the amount of capital, labor, time, attention and floor space devoted to each business activity, and by analyzing the sources of net income and gross income. The name, appearance and advertisement of the entity may also be taken into consideration in determining "principal business."

Adopted 9/14/97

Approved 9/17/97

13/ David H. August
Mayor

13/ David H. August
Clerk

LMS:bc



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

October 22, 2018

PREPARED BY

AGENDA ITEM # D.7.

Consideration with possible action on an application for an available "Class B" Combination license for Amphora Wine Bar, LLC at 131 N. Broadway with a licensed description as "bar area, seating area, back bar area, and storage in the basement on 131 N. Broadway."

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. amphora
2. Moratoruim_Broadway
3. amphorasecurityplan

RESOLUTION LIMITING THE NUMBER OF
LICENSED ESTABLISHMENTS IN THE BROADWAY AREA

Green Bay, Wisconsin
September 16, 1997

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

WHEREAS, the Common Council of the City of Green Bay is concerned with the redevelopment of the Broadway area and the present high concentration of licensed establishments in the Broadway area. The high concentration of these establishments in this area has impaired the public peace, safety, welfare, and order; and

WHEREAS, there are currently 34 establishments which hold a Class "B" Fermented Malt Beverage or Class "B" Combination Liquor License. The names and addresses of said establishments are:

Lenny's Tap	431 North Broadway
333 Bar	333 North Broadway
Blazing Saddles	331 North Broadway
The Cannery	319 North Broadway
King's X	313 North Broadway
Titletown Brewing	200 Dousman Street
Carol's Ritz Lounge	119 Dousman Street
Nom's Thai Orchid	240 North Broadway
Central Bar	231 North Broadway
Broadway Cafe	128 North Broadway
Rev's Brass Rail	109 North Broadway
West Pitcher Show	100 South Broadway
Maria's Mexican Family Restaurant	106 South Broadway
Ginny's Heart of Broadway	112 South Broadway
Connie's	128 South Broadway
Country Club Bar & Grill	201 South Broadway
Kar's Place	226 South Broadway
Alamo	301 South Broadway
Nepalese Lounge	515 South Broadway
Blue Side	709 South Broadway
Shnicker's	813 South Broadway
Bourbon Street	821 South Broadway
Sass	840 South Broadway
The Lion's Den	1100 South Broadway
Carol's 9 th Street Tap	316 Ninth Street
The Camelot	1301 South Broadway
Manci's Tuxedo Lounge	1313 South Broadway
Good Times	1332 South Broadway
The Packer Stadium Lounge	1342 South Broadway
Terminal Bar	1423 South Broadway

RESOLUTION LIMITING THE NUMBER OF
LICENSED ESTABLISHMENTS IN THE BROADWAY AREA
Page 2

Hammer Inn
Thirsty's
Loch's Bar
Cropsey's Bar

1208 State Street
1234 State Street
1238 State Street
1336 State Street

WHEREAS, pursuant to the powers reserved under Ch. 125, Wis. Stats., the Common Council wishes to decrease the number of Class "B" Fermented Malt Beverage and Class "B" Combination Liquor Licenses issued to establishments in the Broadway area; and

WHEREAS, it is the intent of this resolution to allow the present Class "B" Fermented Malt Beverage and Class "B" Combination Liquor Licenses to maintain and renew their establishments in accordance with Ch. 125, Wis. Stats.; and

WHEREAS, it is the intent of this Resolution to effectuate a decrease in the number of Class "B" Fermented Malt Beverage and Class "B" Combination Liquor licensed establishments in the limitation area whenever an establishment goes out of business and does not renew its license;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Limitation Area. The area to which the terms and conditions of this section apply is that area on Broadway or business fronting either side of Broadway and those areas east of Broadway to the Fox River, within the city of Green Bay, Brown County, Wisconsin.
2. Prohibition. The Common Council shall not authorize the issuance of any new or transfer of any existing Class "B" Fermented Malt Beverage or Class "B" Combination Liquor Licenses within the limitation area, except restaurants as defined in paragraph 4 hereof.
3. Exceptions.
 - a. This subsection shall not prohibit the renewal of a Class "B" Fermented Malt Beverage or Class "B" Combination Liquor License for an existing premises in the limitation area.

RESOLUTION LIMITING THE NUMBER OF
LICENSED ESTABLISHMENTS IN THE BROADWAY AREA
Page 3

- b. This subsection shall not prohibit the issuance of a Class "B" Fermented Malt Beverage or Class "B" Combination Liquor License for a previously licensed premises provided that such application is made within 60 days of any of the following:
 - i. Surrender by the prior licensee of the license issued for that premises; or
 - ii. Sale of the premises by the prior licensee; or
 - iii. Termination of the prior licensee's lease for the premises; or
 - iv. Revocation of the prior license, for cause.

If application under this subsection is sought after 60 days, the owner of the previously licensed premises may apply to the Protection and Welfare Committee for an extension of the application time on the basis that application of the moratorium would have a substantial adverse effect on the owner's ability to use or enjoy the property. The party requesting the extension must demonstrate this effect by clear, satisfactory and convincing evidence.

- c. All applications and renewals shall be subject to review as provided by Ch. 125, Wis. Stats.

4. Prohibition Not to Apply to Restaurants.

- a. This resolution shall not prohibit the issuance of a Class "B" Fermented Malt Beverage or Class "B" Combination Liquor License to the operator of a restaurant, where the principal business conducted is that of a restaurant, as defined in Ch. 125, Wis. Stats. If the premises are operated under a Class "B" Fermented Malt Beverage or Class "B" Combination Liquor License, the principal business conducted is presumed to be the sale of alcohol beverages, but the presumption may be rebutted by competent evidence.

RESOLUTION LIMITING THE NUMBER OF
LICENSED ESTABLISHMENTS IN THE BROADWAY AREA
Page 4

- b. A restaurant licensee operating within the limitation area which fails to maintain a principal business of operating a restaurant at any time later than 60 days after the granting of a Class "B" Fermented Malt Beverage or Class "B" Combination Liquor License shall be in violation of this subsection and its Class "B" Fermented Malt Beverage or Class "B" Combination Liquor License shall be subject to revocation.
- c. "Principal business" means the primary activity as determined by analyzing the amount of capital, labor, time, attention and floor space devoted to each business activity, and by analyzing the sources of net income and gross income. The name, appearance and advertisement of the entity may also be taken into consideration in determining "principal business."

Adopted 9/14/97

Approved 9/17/97

13/ David H. August
Mayor

13/ David H. August
Clerk

LMS:bc



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

October 22, 2018

PREPARED BY

AGENDA ITEM # D.8.

Consideration with possible action on an appeal by Evelyn Buford to the denial of her Operator's License.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

I. BUFORD APPEAL



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

October 22, 2018

PREPARED BY

AGENDA ITEM # D.9.

Discussion with possible action on a General Ordinance 27-18 amending Section 27.902(2), Green Bay Municipal Code, relating to penalties for marijuana possession, previously discussed at the October 8 Protection & Policy meeting.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. A18-0012 MEMORANDUM
2. THC citations-Mahoney 9-27-18
3. GO 27-18 Amend Sect. 27.902(2) relating to penalties for Marijuana possession



Law Department

MEMORANDUM

TO: Protection and Policy Committee

FROM: Kristen K. Johnson, Assistant City Attorney

DATE: September 24, 2018

RE: Proposed Amendment to GBMC 27.902(2)

The City Attorney's Office was asked to give a general report to Council regarding what other communities are doing with respect to fines and other research supporting the proposed ordinance change to GBMC 27.902(2).

Background:

Alder Randy Scannell requested that the Law Department review the ordinance related to possession of marijuana, 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 \$1.00 and not more than \$1000. 00. Our ordinance also prohibits anyone who has a previous conviction in Wisconsin for possession of marijuana from being issued a citation under the ordinance. Rather, someone with a prior conviction for possession must be referred to the District Attorney's Office for criminal charges, no matter how much marijuana they possess. This leaves the Police Department with little discretion when it comes to enforcement and also creates a significant burden on the criminal justice system.

Proposed Amendment:

After discussion with the Police Department, the Municipal Court Judge, and the City Prosecutor, it was determined that the proposed amendment would lower the maximum potential fine for possession of marijuana from \$1000 to \$500. Additionally, the amendment would allow the Police Department to issue citations to individuals with prior possession convictions, rather than mandating that they refer criminal charges to the District Attorney. It is the goal of this amendment that more citations will be issued to municipal court, reducing the burden on the District Attorney's Office and Circuit Court.



Law Department

Research Surrounding Communities

In researching ordinances of surrounding communities, we found that the penalties for a civil citation for possession of marijuana vary greatly amongst Wisconsin municipalities. Several municipalities adopt Wisconsin Statute 66.0107, which authorizes municipalities to enact an ordinance prohibiting possession of marijuana. Under that statute, if a criminal complaint is issued by the District Attorney's Office alleging possession of more than 25 grams of marijuana, or possession of marijuana following a prior conviction for possession of marijuana, the person may not be issued a municipal citation unless the criminal charges are dismissed or the District Attorney's Office declines to prosecute. Many municipalities use these same or similar guidelines within their municipal code, only regulating possession under 25 grams and first time offenders. However, many municipalities have enacted less restrictive local ordinances decriminalizing possession of marijuana, even if the accused possesses more than 25 grams or has a prior conviction for possession. Some municipalities have potential fines upwards of \$1000, while other municipalities do not impose any kind of penalty for possession of marijuana. A summary of several ordinances is included below.

Other Municipalities:

Oshkosh: In January 2018, the Oshkosh City Council voted to lower the minimum fine for marijuana possession from \$325 to \$200 for the first offense. 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 for marijuana possession is \$100. In February 2018 the City Council rejected a proposal to lower the fine to \$5.

Madison: A person may possess up to 28 grams of marijuana in a private place and is not subject to a 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 is caught possessing marijuana in a public place, they face a fine up to \$100.

Milwaukee: The fine for marijuana possession is \$0-50, or the person may be permitted to perform community service and attend substance abuse education in lieu of paying the fine. If a person is convicted of smoking marijuana in a public place, the fine is \$250-500.

Eau Claire: A person convicted of first offense possession of marijuana less than 25 grams shall be fined between \$100-500.



Law Department

Kenosha: The fine for first offense possession of up to 28 grams (1 ounce) is between \$10-750.

Sheboygan: The fine for first offense possession of up to 25 grams is between \$250-1000.

Monona: Individuals 21 or older are permitted to use marijuana at their personal residence or as a lawful guest at another residence. Individuals 21 or older are permitted to possess marijuana at any location.

Marijuana Citations	
2017	363
2018*	336

**ALL CITATIONS HAD A BOND
AMOUNT OF \$880.00**

2017

POSSESSION OF MARIJUANA	363
BANK / SAVINGS LOAN	1
BAR / NIGHT CLUB	8
CHURCH / SYNAG / TEMPLE	1
COMMUNITY CENTER	1
CONVENIENCE STORE	5
DEPT / DISCOUNT STORE	3
GOV'T / PUBLIC BLDG.	1
GROCERY / SUPERMARKET	2
HIGHWAY / ROAD / ALLEY	166
HOTEL/MOTEL/ETC.	10
OFFENDER'S RESIDENCE	24
OFFENDER'S VEHICLE	4
OTHER / UNKNOWN	6
OTHER RESIDENCE	11
OTHER TEMP LODGING	1
OTHER VEHICLE	1
PARK/PLAYGROUND	17
PARKING LOT / GARAGE	4
RESIDENCE/ HOME	52
RESTAURANT	3
SCHOOL / COLLEGE	31
SPECIALTY STORE (TV, FUR, ETC.)	5
VICTIM'S RESIDENCE	5
VICTIM'S VEHICLE	1

2018*

POSSESSION OF MARIJUANA	336
AIR / BUS / TRAIN TERMINAL	1
BAR / NIGHT CLUB	2
CHURCH / SYNAG / TEMPLE	3
CONVENIENCE STORE	4
DEPT / DISCOUNT STORE	1
DRUG STORE / DR. OFC / HOSP	3
FIELD / WOODS	1
GOV'T / PUBLIC BLDG.	2
HIGHWAY / ROAD / ALLEY	161
HOTEL/MOTEL/ETC.	11
LAKE / WATERWAY	2
OFFENDER'S RESIDENCE	1
OFFENDER'S VEHICLE	2
OTHER / UNKNOWN	8
OTHER RESIDENCE	9
OTHER TEMP LODGING	1
OTHER VEHICLE	1
PARK/PLAYGROUND	14
PARKING LOT / GARAGE	4
RESIDENCE/ HOME	62
SCHOOL / COLLEGE	37
SHOPPING MALL	2
SPECIALTY STORE (TV, FUR, ETC.)	2

***2018 YTD 01-01-18 through 09-26-18**

GENERAL ORDINANCE NO. 27-18

AN ORDINANCE
AMENDING SECTION 27.902(2),
GREEN BAY MUNICIPAL CODE,
RELATING TO PENALTIES FOR MARIJUANA POSSESSION

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 27.902(2), Green Bay Municipal Code, is hereby amended to read:

(2) Possession of Marijuana. Notwithstanding Sec. 27.901, Green Bay Municipal Code, any person who violates Sec. 27.101, Green Bay Municipal Code, adopting Sec. 961.41(3g)(e), Wis. Stats., by possessing an amount not greater than 258 grams in a public place ~~who has not been convicted for possession of tetrahydrocannabinols anywhere in this State~~ shall forfeit not less than \$1 nor more than ~~\$1000~~ \$500.00 and ~~the Court may suspend the person's operating privileges for not more than six months.~~ A person who possesses an amount not greater than 28 grams in a private residence shall forfeit not less than \$1 nor more than \$250.00. The municipal court may order community service in lieu of or in conjunction with forfeiture.

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin, this _____ of _____, 2018.

APPROVED:

Mayor

ATTEST:

Clerk

KKJ
11/05/18



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

October 22, 2018

PREPARED BY

AGENDA ITEM # D.10.

Consideration with possible action on a request by Ald. Scannell that the Advisory Committee be dissolved and any items still on it's agenda be place on Protection and Policy.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

October 22, 2018

PREPARED BY

AGENDA ITEM # E.I.

Liquor Violation Report from the Police Department for October 22, 2018

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. 18LiqVio
2. Report October 22 2018