



MINUTES OF THE PROTECTION AND POLICY COMMITTEE

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

A. ROLL CALL.

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

Also present: Deputy City Attorney Joanne Bungert, Ald. Brian Johnson, Ald. Barb Dorff, Lt. Jason Allen, Chief of Staff Celestine Jeffreys, Chief of Police Andrew Smith

B. APPROVAL OF THE AGENDA.

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

Moved by Ald. John VanderLeest, seconded by Ald. Craig Stevens to approve the agenda for the October 22, 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 October 8, 2018 Protection & Policy Meeting.

Moved by Ald. John VanderLeest, seconded by Ald. Craig Stevens to approve the minutes for the October 8, 2018 Protection & Policy Meeting. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

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.

Moved by Ald. Mark Steuer, seconded by Ald. John VanderLeest 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 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. 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 for discussion. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

Moved by Ald. John VanderLeest, seconded by Ald. Craig Stevens to refer to staff General Ordinance 28-18, an ordinance to repeal and recreate Section 6.15 relating to special events, to make the proposed changes as presented by staff. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

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

Moved by Ald. Mark Steuer, seconded by Ald. John VanderLeest to approve the change of agent for Krist Oil Company at 1180 E. Mason St. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

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.

Moved by Ald. Mark Steuer, seconded by Ald. Craig Stevens to approve 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., with the approval of the proper authorities. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

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."

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

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

Moved by Ald. John VanderLeest, seconded by Ald. Craig Stevens to refer to staff to bring back the Click and Collect Ordinance for discussion and possible action and to hold 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 until the Click and Collect Ordinance is approved.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

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).

Moved by Ald. John VanderLeest, seconded by Ald. Mark Steuer to approve an application for an available "Class B" Combination License for Everardo Curiel at 1657 Main St., with the approval of the proper authorities (previously licensed in the 2016-2017 license year as Nic's Bar). Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

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).

Moved by Ald. Mark Steuer, seconded by Ald. Craig Stevens to approve an application for a "Class B" Combination license for Titledown Tobacco LLC at 159 N. Broadway (currently Prohibition Spirits LLC), with the approval of the proper authorities. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

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."

Moved by Ald. Mark Steuer, seconded by Ald. John VanderLeest to open the floor for discussion. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

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

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

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

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

Moved by Ald. Craig Stevens, seconded by Ald. Mark Steuer to approve 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, with the approval of the proper authorities.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

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

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. Craig Stevens to close floor for discussion. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

Moved by Ald. Craig Stevens, seconded by Ald. Mark Steuer to approve an appeal by Evelyn Buford to the denial of her Operator's License. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

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.

Moved by Ald. Mark Steuer, seconded by Ald. Randy Scannell to open the floor for discussion. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

Moved by Ald. Craig Stevens, seconded by Ald. John VanderLeest to close floor for discussion. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

Moved by Ald. Craig Stevens, seconded by Ald. Mark Steuer to approve 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. Motion carried (3-1).
Yes- Craig Stevens, Mark Steuer, Randy Scannell, No- John VanderLeest, Abstain- None

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.

Moved by Ald. John VanderLeest, seconded by Ald. Craig Stevens to refer to staff 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. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

E. INFORMATIONAL.

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

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

F. ADJOURNMENT.

Moved by Ald. Craig Stevens, seconded by Ald. Mark Steuer to adjourn at 7:46 p.m. Motion carried.

VERBATIM MINUTES

- Okay.

- All right, the protection and policy meeting for October 22nd, 2018 is now in session. It's 5:32 -ish. Roll call.
Is Alder Stevens here?

- Here.

- Is Alder Vander Leest here?

- Here.

- Is Alder Steuer here?

- Here.

- Alder Scannell is also here, we're all present and accounted for. Take a motion to approve our agenda.

- Motion to approve.

- Motion by Alder Vander Leest, second by Alder Stevens. All in favor?

- [All] Aye
- Opposed? We have an agenda. I'm taking approval of
- On second, I'm sorry.
- Oh, yep, sorry. No, no, no, I'm going too fast, I need to slow down. I'm so excited, there's so many people here.
- Okay, approval of minutes.
- Take a motion to approve the minutes of October eighth, 2018, protections and policy meeting.
- Motion.
- Motion to approve by Alder Vander Leest, second by Alder Stevens. All that approve?
- [All] Aye
- Opposed? Our minutes are approved. On to regular business in a minute.
- You're good to go.
- Time for regular business. Item number one, discussion with possible action on general ordinance number 28 -18 in ordinance to repeal and re -create section 6.15 Green Bay municipal code relating to special events. Previously discussed at the October eighth protection and policy meeting. Staff, anything?
- So, I have lots to present, but I think that there are some people here
- So, they're here?
- Who'd like to talk, and they have to go upstairs to another meeting, so yeah. I think they should go first.
- Let's get a motion to open the floor.
- Motion open floor by Alder Steuer, second by Alder Vander Leest, all in favor?
- [All] Aye
- Opposed? The floor is now open. Anyone wishing to discuss this, please step on up.
- I'm not one that has to leave, but
- That's fine.
- Leo gave, I mean.
- [Man] Go ahead, yeah.
- I'm gonna say a lot of the same things, and I'll keep it quick.
- Okay, name and address, please.
- Chelsea Kocken, home address?

- Yes, home address.

- Home address 1664 Birchwood Drive, Green Bay.

- Okay

- 54304

- Do we need the zip?

- No

- Yeah, but thanks.

- So a couple things of course. This I had first seen about a week and half ago, it sounds like Celestine may be presenting some revisions that are going to make a difference, but the biggest things are first the cost, that fee schedule. So while the permit fees do impact us, it's the fees that now are going to be incurred for that security and medical that's seems to be required within this revision, so we currently, I work on Broadway, I suppose I should start with that. So I'm a marketing and events manager for On Broadway We do 37 special events in the downtown area each year. All of which that require a special event permit. Biggest event that we do, most often, is that farmer's market on Wednesday evenings. So we do 18 weeks of that, we have no to minimal issues at this event, so to require what's shown as 14

-21 or 21 -30 police officers at this event, I feel not only would it look out of place, but be unnecessary for the number of officers If you look at a quick financial breakdown at what we spend now versus what this would likely cause us to need to spend, it's a difference of about \$150,000 - \$150,000?

- For the year

- Again, those are rough numbers based on what we know. We currently have two off

-duty police officers, but from what I understand, they are able to do every single thing that an on

-duty police officer as far as call 911, arrest someone if that's the case, interact and act within the event, with the public, so, again, we have minimal issues. We have things like heat exhaustion, or an older woman tripped and they want an ambulance so the officers are the closest by, and they're the ones that contact 911. So, not only can we not afford them to run that event in a profitable means, we can't host that event, if we can't host these events, we can't be profitable as an organization and we can no longer operate as an organization. So the farmer's market is one example of that. But, again, we do 37, so that's about half the events that we do and we're going to incur those costs for all of them. So I think not only is the cost there, but I personally feel that 21 -30 officers at an event that size, I don't know if any of you have been to the events, there's a lot of people there, but it is only a two block by one or two block footprint. To have 30 officers in that footprint would just almost make the event feel uncomfortable. And then, the supervisors that are required as well. I just don't see the need for that many. Now, if we were an event that maybe has proven to have problems, expand beyond that two officer minimum, and we're happy to have that conversation, but we don't. We work with many of the same officers throughout the season and they say that we don't have any issues. So, again, the type of incidents I don't think warrant full on duty police officers in that number. When it's trips and things like that, if we do have an intoxicated person, it's honestly not because of the alcohol that's served at the event by us, it might be within, or they just walked upon, it's been people that are stumbling through the event, it's not something that's caused because our event is there. It could happen any day. I touched on the inability to be able to pay. And essentially, moving into an inoperable stage of the organization, but then a couple questions, and again, this might all be covered. How do we determine that attendance? So when we're charged based on fees for these events, you've got them numbered in there from 1000 -5000 or above 5000. Well, we might

have a bad night, a rain out, something like that. New events, as people are starting to introduce those to the area, you can never guarantee attendance on a new event. And so, then is that hourly? Because at any given moment, is it, 2000 people there? Obviously, the 10 or 12 that we estimate come throughout the week, they're not all there at one time. It's a five hour event. So clarifying that, and then touching on the medical as well. We do have a nurse on site, in addition to the two police officers that have had to maybe call 911 and get that ambulance there, but we have never had an issue, we're not an athletic event where you might expect somebody to just exhausted themselves and needs an ambulance or whatever it may be. So, those are just a few of the major points that I see, all leading to what I feel is unnecessary costs to make these events unable to happen. We pay for what we use right now, we pay for the officers that we have, we pay for the city services that we use as far as the application fees and things like that, but if this were to get passed as is, the events would go away and be driven out of at least our district in the downtown area hosted by us. And I'd like to think that we host creative and manageable events. I think that's all that I have.

- Questions?

- Not at this moment but we're

- Only at the beginning

- I do have one, so the crowd size, that's tied in with the fees, correct?

- It is, it's tiered, from what I see.

- Right

- which I think has always been the case, I think that's kind of what, there might be a few determinants in there. Because currently it's \$50 per permit, and now it's going up to, depending on the size of the event, \$275 per permit. And I would hate to see where right now we're able to do the farmer's market as a series based event, but if that gets broken out into 18 different events, then we're taking what was \$50, multiplying an 18 week event by \$275. So, it just, I use the farmer's market as an example because it's the easiest to relate it to, and it was the event that we knew, it's very important to us as an organization to have that event. If we don't have that event, we essentially can't operate. And if we have to incur all these costs, we're going to start the year without a chance of profit.

- So with the farmer's markets et cetera, I mean the monies that you've raised through that, what's the difference as far as you know, with the costs that you do have incurred, you know with the police et cetera, what is the difference, what is your profit, roughly?

- As versus

- Well

- As an event as a whole - well let's say for the year let's say for the farmer's markets, do you have a ballpark as far as

- It would be right around that \$150,000 difference and that's in a very good year.

- Okay, and you're saying that if we, if we went along with this the way that it is,

- Police alone, and then if we had those medical requirements as far as mobile units on site and a physician, and some of the other things that were listed here,

- Mmhmm

- Then we're immediately in the negative. And we had, that's using a number of this past year and this was a great year for us weather

-wise which of course means more vendors each week and beverage sales and things like that so

- Okay

- And that's our largest one, not to mention the other ones that would also suffer due to the number of our night markets, a Taste on Broadway, those don't profit anywhere near what a farmer's market might sometimes, and then we're starting that much deeper in the hole.

- Okay, thank you

- Mmhmm

- And with the fees, to follow up, if we do work up how to determine the crowd size, let's say we determine it to the smallest fee, is that an issue for you?

- As far as per event? The permit fees themselves aren't going to be what makes or breaks an event for us.

- That's what

- Again with the series based things, if that gets broken out, you know I do find some of the event fees a little out of place, as though changing the location I think is a \$90 or \$130 fee, I'd have to look

- Mmhmm, that's accurate

- Personally, I think that's, you know I understand that there's some changing but if you have a \$275 event and then there might be a change in location and then let's say because of rain you cancel it, and it's a last minute cancellation, that's not clearly defined if it's a last minute thing versus if you cancel a couple weeks out and just all was for nought, but if that's the case, I mean you're \$400 in an event that never happened, so.

- Okay, thank you, that's all I got.

- Hi

- Hello

- Please state your name and address.

- Leah Weycker 227 Allard Avenue, Green Bay I'm also the director for the Military Avenue Business District. I'm here to speak about new changes that you're looking at. I think it is extreme, the changes. It doesn't necessarily affect my farmer's market because I'm on private property, but I think it will drive your events to go towards private property so that you can't regulate it. Which I think is not a good thing. We want to control some things in the city. Lately I think the city's been doing a great job on increasing events and having a variety of events and I think by incurring these extra costs, currently my market costs us about 2000 to run, we don't make any profit, and that's not why we do it, to make a profit, eventually we hope it pays for itself, but most start up events are going to be like that. And the new structure would prevent anyone from even attempting to do it on city property. Right now, I think there's other areas that have lots of money and space available and we would drive our events out of our area if we passed something this high.

- Leah

- yeah

- So most of your events are on private property, right nothing on the road at all?

- Correct

- So I would be exempt, in the definition

- Right

- I would be exempt from that, but to me that's not a reason to not regulate something that's even on private property. I think every event coordinator wants everything to run smooth and not have a lot of police calls and things like that, so we're all on the same page on trying to make events good and successful and healthy, creative things for people to attend. This goes over the edge if you ask me. Not to say that if something didn't get bigger I couldn't close one of our streets so I am thinking of us personally as well, but the true downtown markets for sure would be in trouble. If those two go away, it makes my market more successful. So in that sense, that's probably what would happen. Thank you.

- Any other questions? Okay, thank you.

- Good afternoon everyone.

- Hello.

- I'm Jeff Mirkes and I represent Downtown Event Incorporated and Olde Main Street Incorporated. Both of those are and address is 130 East Walnut Street in the Bellin Building, suite 501. Both of our organizations that I represent are non

-profit organizations. In 10 minutes I'm going to be meeting with the planning commission and showing them that Down Town in Green Bay Inc and Olde Main Street those commercial properties, they pay into a business improvement district. One pays about 70, the other pays about 200, 225. We go out and raise sponsorships that almost doubles those figures so we can put on special events throughout the year. Downtown and Olde Main working in partnership with one another, we coordinate about 70 special events a year. We consider ourselves good partners with the city. When the city invested \$10 million in the city deck, we were told make things happen there, bring events, we want people. Look what's happened. \$150 million in development has taken place because the city invested in the city deck. A \$10 million investment resulted in \$155 thousand. People want to live downtown. Companies like Schreiber Associated, Imperial Supply, American Foods Group, are bringing people here because things are happening. In 10 minutes, I'm going to meet with the planning commission and I'm going to let them know that our bid plan, to bring in about 200 from commercial properties, we're going to go out and raise another \$200,000 so we can make things happen here, but our budget will be impacted by about \$180,000 if this gets approved as is. Now maybe Celestine, and maybe the committees have made some changes to it, but we are just reacting to what has been shown to us. We coordinate the Saturday farmer's market. It's estimated that that Saturday farmer's market brings about 10,000 people to our downtown each week. We had some studies done. They're not there all at the same time. 500 show up at seven o'clock, another 1500 show up at 8:30, another thousand show up at 10 o'clock when they start rolling out of bed, so we don't know if 10,000 are there all at the same time, but based on this standard, the Saturday farmer's market would need a physician on duty, a medical tent, two dozen police officers and supervisors, so I just want the city to know, we want you to be our partner, but we will not be able to do events. Will the Saturday farmer's market move somewhere else? So we're hoping that the city's our partner in this. Thousands of people, we are planning on hundreds of residential units in our downtown, I think the reason people want to move downtown is because things are happening here. We will need to discontinue the Saturday farmer's market. We will need to discontinue Fridays on the Fox. If this goes through as planned, we will be more than happy, and I know that there's I was receiving emails from other event

planners in the community, I had a luncheon today with a group that wants to bring a thousand bicyclists to downtown. They are trying to decide whether they should end up somewhere else, four miles away from here, not in the city of Green Bay, or on the city deck because things are happening here. A thousand bike riders from La Crosse to Green Bay Wisconsin, they're going to move this event to finish in Green Bay versus Racine and Kenosha because things are happening here. I was there lobbying that downtown is the place to be. Downtown is where you should have your finish line. We have the hotels here, we have the restaurants here. So at noon today, when I was at a luncheon, at the other place, I was trying to convince them that Green Bay is the place to bring your event. And I hope after this all gets resolved, I want you to know, I totally believe and support that if there are increased fees, we're fine with that. Our increased fees, you know, \$50 for the application fee for Fridays on the Fox, if that's all we paid in the past, can we pay more, yes. It's proposed to go up to \$1750. If there's a per week fee, and we have eight Fridays on the Fox, yes, we can do that. The Saturday farmer's market fee, you know, is \$50 too low, of course. If the weekly fee of \$275 is assessed for every one of those weeks, we will pay \$6,325. We'll find a way. We'll find a way to pay a higher fee. I cannot afford a \$180,000 and in 10 minutes I'm going to propose a budget, that we take in some bid money and some sponsorship money. I hire about six or eight people to work hard in four areas of downtown development. Events is just one of the pillars. We do business development, we do physical improvements and I don't know, I'm stressed, I don't know what the fourth one is Say again?

- Marketing

- And if we do downtown marketing. We want to market downtown as a great place to be. Just this Saturday we had a cafe crawl. We wanted to show off the coolest coffee shops in the downtown. 1000 people showed up to hop on a free trolley and get some free samples of coffee at a number of coffee shops. We had gallery night last Thursday. These are the kinds of things that we do throughout the year that help create the vibe, that help contributed why Schreiber wanted to spend \$85 million on an office building and other companies that followed. Thank you for giving me the opportunity to just share this. It is our hope that we can work with the planning. We take great pride in working closely with the Green Bay police department. When two community police officers are at our Saturday farmer's market on their bicycles, we get to know those police officers. We see them mingling, we love to have them there. I just don't think we need 24 police officers at the Saturday farmer's market and if there's exceptions, I mean, but maybe I need to be informed. If there's something that our organization doesn't know, if there are threats to our city and our community and our events, I need to know that. But I just hope that you recognize that a dozen to 20 officers at a farmer's market might be more than we need.

- Thanks for coming again, I know you've got to get upstairs, but How are were you notified of this? I guess one of the concerns I had is that maybe a number of the non profits weren't aware of some of these things. Was there something as far as the dialogue or anything coming out to you

- Oh yeah, we were made aware that. We have no hard feelings about this, we just think that maybe we should slow this train down a little bit and look at the reasoning. I didn't, and maybe having the groups come in, if five other groups are going to come up and say the same thing, maybe Celestine and others have information that half of what I said is not to worry about, I want you to know that we're a non profit that treats the city of Green Bay like our partner. Help us continue. We have companies like Foxconn and others that are investing in our downtown. They're moving here because things are happening here. We want to keep that vibe going because residential and corporate are hot right now. Green Bay is the place to be and we just want to keep that momentum going.

- Okay, thank you.

- Thank you

- Hi

- Hi

- Holly Williams, 434 North Broadway in DePere. I represent PMI Entertainment group. I'm the vice president of consumer events and we are working on, right now, the 2019 Tall Ship Festival which is scheduled to come back in July, this is the fifth time that the tall ships have been to Green Bay and I feel if we have been good partners in the past and collaborated with police, fire, Coast Guard, emergency services, the county really to develop our security plan. And just so you understand, this event had a \$4.3 million impact on the community when it was here in 2016 and the changes that are proposed, not as concerned like everyone else about the permit fees, but the security fees are the main concern for us. We'll go from a \$4000 bill to the police department in Green Bay in 2016 to over \$40,000 in 2019 if it's proposed, and I understand there's been some changes to that, so I would just like to request some flexibility, that we're able to use some of the resources that we've used in the past. We've always been transparent with our security plan and have used off

-duty officers in the past. Just as a reference, we usually work with three off duty Brown County officers and two T-shirt security on site, but we also have a command center with the fire department, that has two supervisors, a paramedic, and an ambulance but we're also coordinating with water patrol as well with Coast Guard, DNR, police and fire all work collaboratively. So I hope we can continue to be collaborative and be flexible in the future. So that's really all. Questions?

- Thanks Holly.

- Thank you

- So one of the things I guess that

- Name and address please?

- Brian Johnson 516 Highbridge street

- You're an Alder

- are you speaking as an Alder

- I am speaking as an Alder.

- Okay, go ahead.

- The request I am going to make of the committee is that you refer this back to staff. I think we heard from a number of non profits that were here and much like Jeff Mirkes, had alluded to, I've got to head up to planning commission, but I want to kind of get this out. I think it's important that this be, there's a lot more discussion that needs to go into this and there's, you know, something going on here and that's unintended consequences. And I think that maybe some of those things haven't been thoroughly vetted with your organizations that will be impacted by this the most. And when we were here two weeks ago, and we talked about this issue and I asked for this to be held to allow some more opportunity for us to be able to look at these things, at that time, the questions was brought up, what's driving this change? What was discussed was the volume of events has increased in the city of Green Bay. Now I think that's great thing. We're using that tool to market to developers, to market to companies to bring the staff here, to develop our neighborhoods. We're using that as a tool, and I fear as an unintended consequence it's going to drive these events to other communities where there aren't so many barriers. Jeff talked about that with the bike race. They could go anywhere. They are choosing Green Bay, and what I don't want to do is create a barrier that's going to force them elsewhere. And when we talk about the increase in the number of events, if that's creating a burden on city staff, then I think yeah, we've got to have that discussion about what do fees look like. Jeff was a little bit more gracious I think when he talked about you know what, we'll find a way to pay for these event permit fees. But what I heard last

month is that we're not looking to add any additional staff. We're just looking to increase the revenue. In which case then I would say, why are we asking the non profit community to bear the burden of what might be budget shortfall? And that's how we're trying to close it. And I'm not suggesting that that's the reason we're doing it but it seems to me that if we're not going to add any additional staff, if we're not going to add any additional resources, why do we need to increase the amount of revenue that we're generating off of permit fees when that's money that non profit organizations take and reinvest directly back into our community. And so, again with that, I would just ask that the committee just refer this back to staff with the expectation that they reach out, not only to get feedback from the non profit community that's most affected by this, but to actually have them be a part of crafting the ordinance. I feel if they have some ownership over what's happening here, they're going to be that much more likely to embrace its passage.

- I was going to ask, how long are you, I mean, two weeks doesn't seem like enough time to refer back. Are you, would you like a little more time for this?

- I mean, speaking for my staff, if you were to refer this back, I know we're out all this week, starting tomorrow, so I know next week's shot. I mean, maybe, we could sit down and do it. But again, if you want to thoroughly take a look at what other communities are doing, and actually, again, have an ordinance that's going to involve, there's other organizations that we need to reach out to as well that are, that this dramatically affects.

- Do you have any idea how many there are in the city right now? I mean, other groups.

- I think that's a question better suited for city staff.

- Okay, that's fine.

- Thanks

- Thank you.

- Okay, anyone else?

- Motion to close the floor

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

- [All] Aye

- Opposed? The floor is now closed. Just one quick bite before our next meeting in two weeks is the same night that we're having a budget, so I was thinking that maybe not having our meeting

- Right, I think Amy in the clerks office was inquiring and also that council meeting following would be canceled as well before Thanksgiving.

- We voted on that.

- Right, so the proposal was to cancel the next regularly scheduled P and P meeting and have the one the Monday after Thanksgiving. So we can do that.

- That would give staff more time if we refer

- All right, I'll let the clerks staff know.

- Thank you.

- Okay.

- I didn't get you anything, I feel so bad.

- Okay, so the first document that we're going to talk about, and I'm going to do that from over here, just because I've got a lot of papers with me. Is something I've done a while ago, Celestine Jeffreys' chief of staff, and that is to, notice the document on legal paper, is to compare the costs of the current application fees with the changes. So the four columns that are in gray represent the column that is not in gray is the current fee that these organizations paid, and this is based off of the actual special events calendar from 2017. Then there's a column for first time event upcharge, a column for non-resident upcharge, an application fee with that running total. And so you can look through this and see that there are some organizations that would be paying more, and then there are other organizations that would be paying not much more. So I'll point out that, on page four, the Bellin's Women's Half Marathon which is like a third of the way from the bottom, they currently pay an application fee of \$50, given the fact that it's an athletic event and the size of it, their application fee would be \$200, I also want to point out to you on page five the Hot Cider Hustle, which is about a third of the way from the top of the page, that event currently paid \$50, well last year it paid \$50. That was a first time event so that would be an additional \$150. They do not live here, tax payers pay for the city services. So it is perfectly reasonable and legitimate to have a non

-resident upcharge, that would be \$400. The application fee was 200, given the size of the event and that it was an athletic event and so their total application cost would be 750. So I just wanted to point that out to you, that's something that you can look at. There's a few things that I would like to address before I go into the two matrices from the fire department and the police department. First, why are we here? We're here because in fact, staff, do are feeling very pressed for time to manage the events. We've gone from 80 events to 100. And to say that we're not adding staff is actually inaccurate. What we are doing is we are taking the application fees, we are applying them to additional hours for a staff member who is currently part-time. So right now, special events are out of the risk department so it's Nate Froemming who attended the meeting last time, and Sarah Fiddler, who's a HR specialist I think is her title, a rule of thumb for a city employee is about \$70 an hour, if you include benefits. I have an email from Clean Fintz from last year, they spent between 5% - 10% of their time or a total between the two of them of two to 400 hours per year on special events. That's 200 a year to 400 hours a year that they are not making our employees safer, and that's their job. The other reason is that we, when we looked at the fees, at the application fees, we wanted to ensure that we are recouping our costs. When you look at the bottom of the last page, page five, our administrative costs. The current fees give us about \$5000 and with the proposed fee schedule change that would almost double, so in terms of what is happening for fees and where they're going at application fees, those are going to help with administrative costs to relieve the burden of the risk management department to give additional hours for an employee who is currently part time. The other reason why we wanted to do this rewrite is so that we could make the whole process easier. Unfortunately it's a .pdf application that you have to download and then write on and send in. So with this change, we would have someone, as I said, who'd be a special events coordinator part time, highly part time, and that person would be able to shepherd a new application through each department. That would be that person's job, for those hours a week, and only that job. The other reason why we wanted to do this is because as I said, we have some little bit of frustration on the part of staff, one of the reasons for a first time event upcharge, I can personally tell you that for first time events, staff members spend anywhere from two to five hours for a brand new event. Sometimes that is three people, sometimes that's as many as seven. Depending on the complexity and location of event. So that's another place where we need to recoup our cost. You may also ask, well where did you get these numbers from? Well, we actually looked at Osh Kosh and Appleton, those are the cities that are most comparable to us, and looking at their costs, the way that especially the way that Appleton does their costs, they have about the same size events that paradigm that we do, 150 for a simple event, that's our special one then under a 1000, 1000 and 5000, over 5000, that's what Appleton has, they have so small event which is under 1000 people the street closure is \$100, they charge you more money if you're later with your application. Large events with street closures, which is

between 1000 and about 5000 people, in Appleton if you get it in, 3 months time, that's \$700. If you get it in about 30 days, it's \$1000 plus a late fee. So we felt that the fee schedule, the application fee schedule, was very much in line with what Appleton was doing and Osh Kosh. And as I said, the purpose of the fee schedule was to make it simpler so we can have a better process and to assign those duties to a staff member and to have the application fees pay for that staff member's time. So let's turn to the two matrices for police and fire.

- Before we do that can I just ask you a question about the fees?

- Yeah, sure, sure.

- So Saturday farmer's market series, series

- Yeah, thank you

- So is that \$275 for the series or

- The whole thing, so not each time.

- Not each time, for the whole. That's what I was getting at

- We would not be charging, that would be outlandish to be honest with you. We would not be charging \$275 for the Wednesday farmer's market for each time they had a farmer's market. They do have to pay a picnic license fee for their alcohol permit every time but that's state law, so for any successive event, be it Art Street, which is over three days of a weekend, or the Wednesday farmer's market, which is over 20 weeks, that would be one application fee, not multiple application fees, The reason why we had that event change fee the reason why we had that event change fee, location fee is if there is a change, so let's say the Saturday farmer's market is a 100 year old, 125 year old event, it used to be over by the Associated Bank building. But that event's been going on for a really long time and when they moved to Washington Street, it's not a new event, really, but the location change means that staff members then need to reexamine the area and make sure that the event has what they need and the city has what it needs. So that's why there's a fee for an event location change. Cancellation fee, that is if, not due to unforeseen circumstances but I did break down that it would be important to make sure that that's clear although we currently don't do that. If someone has to cancel an event for rain, we just move their application fee and their application to a new date. We don't currently do that. Any other questions?

- And the employee that's part time, you wanna go full time

- No, no, it wouldn't be full time.

- Well

- Additional hours.

- Additional hours, that does not, I mean we've got budget coming up and that is completely not related to any freeze that is coming up in the budget if that happens.

- Correct because that person's staff time, that person's hours are paid for through the application fees. Our estimated application fees. And as I said, when you look at what I've provided, this sheet, you'll see that there are a number of places where fees do go up, but they don't go up, they're not outlandish. So \$275 for 20 weeks would be 13 bucks a week.

- Go ahead

- So
- And there's more
- Maybe I should wait
- Just on the fees
- I'm going to, I'll wait then.

- So if you want to move on to then the two matrices that I've provided. This is which, this is the part that I think caused a lot of consternation. And I completely understand, let me just say this from the outset, and I hope that the two proposed changes will adequately capture what the police department and fire department believe is important to keep all of our events safe, because there is nothing that kills economic development like an event with some horrible happenstance. But at the same time, also conveys that this is a conversation between the event organizer and the police and fire departments. And so the police and fire departments will look at the event, they'll look at all of the requirements, the standards that are listed below, actually I didn't put them on these papers but they're in the original ordinance, time of day, is it general seating, is alcohol being served, what time of season, what is the history of the event? There is lots of factors that the police department takes into account in order to determine the number of officers, the same thing with the fire department, the number of emergency resources that need to be deployed. So let's turn first to the police departments. So in talking with some police senior staff members, I have amended in a couple places on this sheet. First, I added a sentence under seven that says, and it's in red on your document, it is important for event organizers to partner with the police department to determine appropriate staffing levels for a safe and secure event. So once again, just trying to impart to the reader of the ordinance, and also a lot of this information will be on the application, but trying to impart that this is a conversation, that this is a partnership. The police want the event to go forward. The police want the event to go forward with safety and security. I also added under recommended resource, in parentheses, maybe a required resource under the direction of the police chief or his or her designee. So we are ensuring that we are giving ourselves a way to say nope, we think you need to have this number of officers and supervisors given what we know about the event, either as presented or past history. So if we go through the matrix a little bit, at the top I also added staffing guidelines, because once again, this matrix is not hard and fast, even with all the numbers that I think cause a lot of consternation, there was language in the ordinance that said this is not hard and fast, but it's obvious why I think a lot of the readers took this as a hard and fast rule. So staffing guideline as you can see, you can see the changes for yourself zero to two officers, two to four officers with one to two supervisors, four to eight officers with one to three supervisors, and over six officers with three supervisors. I will say that I believe that this reflects accurately my conversation with the police department. There is one thing in there that they don't quite agree with so I think it's going to require a little more conversation. Moving on to the fire department, I added those same two sentences with, emphasizing that it's important for event organizers to understand that this is a partnership and a conversation and the type of event that you have determines the staffing levels that are required. And then I also changed a little bit on the matrix to essentially reflect that the recommended resources, especially the first aid station including a nurse, a first aid station including a physician, ambulance and mobile team are recommended but may actually be required So let me give you an example, I reached out to I reached out to Mosaic. So I reached out to Mosaic, the Bellin Run, the three business improvement districts with whom I've already had two conversations in the past year, I also reached out to the New Pride event, they're out of Appleton, and I also reached out to Baycare. So I had conversations with Mosaic, and got emails from Bellin, New Pride, and also the three business improvement districts. Parenthetically, we will be reaching out to the GBNLC, the Green Bay Neighborhood Leadership Council, because this ordinance change does affect them, only in as much that we will ask neighborhood associations to apply. Their fees are, they won't have fees, but they will need to apply for their special events in our parks and block parties. So, back to Mosaic, so Mosaic used to have an ambulance for the Art Street event, and after many years of having an ambulance, and the ambulance not really being deployed to do anything, the fire department determined that it was not really necessary for Art Street to pay for an ambulance, and so this the

way, a very small example, the way in which protective services monitor how they interact with events and they provide the appropriate level, truly the appropriate level of security for the event. As I said though, just going back, I realize the matrix, the police and fire matrix, caused some consternation which is reason why I made some changes. Finally, I did hear from New Pride that they were concerned about how do we calculate the number of people attending event. Is it the number of people over hours, days, like with Art Street, and so, sort of a per, you know per hour person count, or is it the total number of people expected? Just in terms of our own workflow here for the special events, I think it's important for an event organizer to say this is, these are the total number of people that we expect. It's the honor system. We're not going out, we don't have someone to go out there to count people, which is tough to do in a crowd and say well you said you had a thousand people, but we know that you had 5000 because we had people counting. We ask the event holders to give us an estimate of the total number of participants and attendees and give that to us that we can determine the fees. Do we expect that they'll be some events we'll say yeah we have 1000 and 5000, yes we do. But then again, if you look at this, the sheet that I have done, the spreadsheet, most events are actually in that 1000

-5000 category. We do have obviously a few events that are over 5000 but we leave it up to the event organizer to be honest with us, and we need to instead of taking this sort of per hour count of people, just a total number of people expected to come to your event, that would be the, that's the Occam's Razor, that's the simplest way to do this.

- So, that's what I was going to ask. Other events, maybe I'm wrong on this, but aren't photos taken sometimes of an event, estimation

- We don't do that, not as a matter of course, no

- We don't do that, not at all how difficult that would be to do that.

- I don't think it's necessary because those people at this point are fairly honest and when we have for an event like, uh, let's see, Festival de La Familia, so that's an event that happens September, August, and the police have a sense, it's an older event, police have a sense of about how many people come, and that's the number we go. I don't think we even check.

- Two questions for you

- Yes.

- There is some information brought forward by the bids and boards that they hire off duty police officers.

- Thank you for bringing that up, yes. We can no longer do that. That will not, unfortunately, and we did have a conversation with the bids about that, probably seven months ago, we can no longer do that because when we have officers deployed with city equipment, not on city time, that is a problem for us. So we need to have on duty officers in addition to the fact there is some issues with how staffing, how these kinds of assignments are offered inside the police department that has a union, that we need to adhere to, so off duty officers for the events that come to us are no longer permitted.

- Okay, well now I got three questions for you. Following up on that one, do you know roughly how much difference is between an off duty officer

- Yes, \$45 an hour for off duty and \$70, \$73 for on duty, that's a regular officer, not a supervisor.

- Okay, and considering that we've drastically reduced, you know, and that is still a guideline, correct?

- Correct, that is a guideline

- So it may not even be that. Then the lastly, it says supervisors in purple.

- Yes

- I'm not sure what, is that an on duty police officer supervising?

- Yes, so there are times when we can assign a supervisor per one of the senior staff members in the police department and if I say something wrong correct me, that we can assign a supervisor who's on duty already so there wouldn't be that additional cost to the event organizer. Let me give you an example, so we had the dragon boat race in the water in July.

- That was cool.

- It was cool, we had some boats in the water, police boats that were already going to be there, so that we didn't charge them for that service. So we try very hard to make sure, because we want those events, and we also want to make sure that any services are adequately paid for, our time is adequately, not excessively, adequately, compensated so the police department and the fire department as well as DPW, we haven't talked about DPW in this, because they're the ones who close streets and so often they work with the event organizers so that the saw horses are deployed and the event organizers put them together and then put them off to the side so that DPW can come and collect them. So we really work with event organizers. I do not anticipate that changing. I think that the people will be shocked by the numbers, and I completely understand, I think it was important to reach out, if I may also interject, that timing. So, we have a council meeting and a budget meeting on November 5th, November 20th meeting is canceled. We have another meeting on December 4th, usually, although not right now, December 18th meeting is canceled. We usually do not have a first meeting in January, we have a meeting on the third Tuesday in January, so my concern about sending this back to staff for more input, which I believe we've gotten, and that in many ways we had before, but these matrices need to be changed, will delay the January one implementation of this. So we do have probably until February first at the very latest, to get this started so that the staff member can be appropriately trained, and also so that the risk management department can turn their attention to their other duties. So there's a little bit of a time crunch here. I don't want to rush it, but it is not we don't have infinite time

- Okay, any further information?

- No

- Thank you, any questions? You answered all mine. Thank you very much. I'm wondering if there's anybody on the floor who has any input they'd like to make, now that they've I'll take a motion to open the floor

- Second

- I'll take a motion.

- Oh, I'll do that

- Seconded by Alder Stevens All in favor?

- [All] Aye

- Opposed? Okay, make sure you fill out a form when you get done but your name and address please?

- Pam Parish 2596 Appian Way I work for Downtown Green Bay so I'll speak for Jeff. We are just hearing these now, these changes I know we took a while to read everything and then get our comments back to

Celestine and now it's happening Hearing everything, I still have a lot of questions, or a lot of ambiguities, if the police and the fire are meeting with us to determine how many police officers and ambulance and physicians needed is that going to be determined right away, is that going to be determined after the event? When are we paying for that? If there are going to be all these ambiguities, it depends on the event, how are we supposed to know that and budget for that, we budget a year before, and if there's going to be all of that then why is there a requirement. If it's going to be on a different basis every time, I just don't understand fully like what that's going to be, I think that needs to be more laid out to be more fair for everyone having an event. I understand like with new events it takes a lot of time but for our farmer's markets on Saturday, that had went on for 101 years, we don't use DPW we go through the current process every year. How much time is that really taking, a staff person, I guess, and I know it needs to be allocated for each event, what the staff person is doing We do new events too, and and I understand it takes time but I think with our non profit organizations we've been doing events and we know events and we try to help mitigate anything that would be questionable for the city, if they have questions for us we always try to put everything forward right away so it isn't extra work on their end. I just don't feel comfortable that our organization would be able, would feel okay with these new additions, updates, that we haven't seen in person to go forward to council to vote on so I echo with Brian what he said earlier that I think it deserves more time to be discussed Do you have questions for me?

- I was just going to ask if your, so the fees don't bother you so much,

- Yes, yes they do.

- They bother you. Okay, well I was just looking at this sheet here.

- With the farmer's market for example

- This, okay

- I know it depends on the event and the location with the fire and police, but that adds, like Jeff was saying, the \$180,00, that's just the addition

- It wouldn't be

- Oh for the event permit fees, that doesn't bother me but the fire and police

- That

- That doubles the cost of everything.

- All right, okay that's, okay

- Anyone else on this? Going once?

- I'm basically going to say exactly what Pam said.

- Well okay, well add the

- Second

- And I would just say, in terms of timing, like I said, we do have until February, at the latest, February first, in order to implement this, get the staff member trained, get these fees out there, so it could go to the next the next P and P meeting

- We're canceling the next one, so the next one wouldn't be until the Monday after Thanksgiving,

- Okay, so

- And then it

- So that is the 26th of November and that would go for

- December 4th council meeting, and the next council meeting would be the end of January. That would be fine, that would be the latest.

- I think we can get 'er done this year. I thinking just one more council, I think what you've got here, pretty good and I think once we get into it and everything, there might be little tweaks or something, but I think once they give us a chance to go over it and once we have that dialogue, I think we're not that far away that we should be able to wrap this up with one more Protection and Policy meeting and then council meeting. So I feel pretty comfortable with referring this back and having that.

- And so you would like me to essentially meet with them and it's not just the business improvement districts, there are other non -profits

- Yep, yep

- And sort of go over the changes that I've made which, the changes to the fee schedule, that hasn't changed actually in about a year, but the change to the matrices have changed most recently, so go over those changes, clear up some any ambiguities, some of the ordinance actually hasn't changed, some of the processes in the ordinance haven't changed. A lot of definitions have changed, so would that be your direction with them?

- Yes, yep.

- And some other event organizers, that would be fine?

- Yep, yep, if we can get this information out to them and they can go over it I think that both sides will be ready for that dialogue and I think we should be set for the next meeting

- Okay

- Motion for that

- Motion to close the floor

- Motion to close the floor by Alder Steuer

- Second

- Second by Alder Vander Leest, all in favor of closing the floor?

- [All] Aye

- The floor is closed. I'll take a motion to refer back to staff.

- I move to refer back to staff.

- Motion by Alder Vander Leest to refer back to staff

- Seconded by Alder Stevens
- Do we need to put the date in there for December that we have a, that everything is final
- I think we could
- I think that's fine
- Sure
- Yes
- So that would be a refer back until our next meeting, November, it would be council in December
- So staff will include mayor's office and administration? Or just whoever, who's involved in this?
- Staff would be the mayor's office, police department, the fire department, the risk management department, yep that's it
- Okay, let's propose
- Alder Vander Leest, second by Stevens
- Okay, any other discussion on this? All in favor?
- [All] Aye
- Opposed? We have a motion. Thank you, very well done. So I think the changes are very helpful, thank you.
- All right
- We are on to item number two. Consideration as possible action and a change of agent for Krist Oil Company at 1180 East Mason Street, staff
- Law department has no objection, the applicant does have a few recent convictions from 2016 for bail jumping and resisting and obstruction as well as a 2012 possession of paraphernalia however the applicant did disclose this those convictions in the application and they are not enough to support a determination that she is an habitual offender, we just wanted to bring that to the committee's attention
- And police department doesn't have any objections.
- Okay, thank you
- Motion to approve
- Motion to approve by Alder Steuer, seconded by Alder Vander Leest, all in favor?
- [All] Aye
- Opposed? That carriers unanimously.
- Okay then, number three?

- Number three consideration as possible action on an application for a retail license transfer of premises to premises by Carintas El Bajito to transfer his class "B" beer license from 1742 East Mason Street to 1698 East Mason Street That's a big jump. Staff?

- We, the law department has no objection. This is just a retail license premise to premise transfer to the same legal entity that's just moving their business to another location.

- No objections

- Motion to approve.

- Motion to approve by Alder Steuer seconded by Alder Stevens, all in favor?

- [All] Aye

- Opposed? That carries. Oh, and I should have said at the very beginning, I gotta make a note, everything we do here at committee is just a recommendation to the council. The council has the final say, which will be next Tuesday six o'clock in the room right next door, so if you're not happy with our decision, you can always come and appeal to the entire council. Okay, are we ready for four?

- Yes.

- Consideration with possible action on a request by Skogen's Foodliner Inc at 2430 University Avenue move to amend their liquor license description from one story cement building set W and S storage and checkouts to one story cement building approximately 80,110 square feet, that sound right? Separate wine and spirits storage and checkout including designated stalls and parking lot for online grocery pickup, staff?

- So the licensee is looking to amend their license to include online sales and pickup of alcohol in their parking lot, the click and collect sales that we've discussed previously, We have no legal objection, as this type of activity is not prohibited under state law, however there is a question of policy. Recently the common council did debate the issue of adopting an ordinance to regulate click and collect sales of alcohol and determined that this is not an activity that the city wanted to support. Accordingly, we would recommend denial based on the concerns raised by the council and also because we do not have an ordinance, or any ordinance provision that would adequately regulate this activity.

- Okay, so that's what I was wondering, if this was bringing that ordinance back to life

- It's not

- but it's really not

- Bringing the ordinance back

- we'd have to bring it back

- We'd have to see who is requesting it, and so in order to move forward with that type of activity, staff was recommending that an ordinance be put in place

- [Both] First

- And council struck down that ordinance, not wanting the city to move in that direction, allowing that type of activity. And then this is another licensee coming forward and asking for that type of activity, which, based on discussions of common council, is not something that was supported.

- Okay,
- Police
- Motion to open the floor No, what do the police think?
- Oh, okay, sorry
- We concur.
- He winked at me. Motion to open the floor by Alder Stevens seconded by Alder Steuer
- Sure
- All in favor of opening the floor?
- [All] Aye
- Opposed? Okay, the floor is now open, anyone here to speak on this? And you already filled out a, yeah before you go

- Rick Tierden 2549 Elmerlane Dr So I'm here for the Festival University Location, which is a click and go location, we'll have three in our community, Suamico and DePere are been selected, the other two locations, so we're the only one in the city of Green Bay, so the other two as far as I know, have been, are in the process of being approved, so we are hoping that we will all be together on this and online obviously is an important part of the growth of our business, we're all competing, anybody who's brick and mortar is now competing against online, and so this adds a competitive, keeps us competitive. I just wanna mention that we have an internal audit, I think the police department is probably aware of our internal audit, the AP department, on a quarterly basis inspects our wine and spirits department and our cashiers to make sure that we are in compliance. And I know that the city, we call the sting, they're in also checking, and I think that the record would show that The Festival has done a great job as far as compliance, so we ask that you reconsider, and again we feel it's important for us as a long term growth that to stay competitive. Any questions?

- One quick question, when the person that drives up with the delivery, are they checked as far as identification?

- It's going to be the exact same transaction as in the store, they're gonna have to provide ID, the ID is gonna have to be removed from their carrier, whatever their carrier, wallet, purse, we are going to check and make sure that we have a match and proceed from there, and the person that's bringing it out will also be not a minor. You know, we have minors that are at the register, but at that point we call over a CSR or customer service manager that is not a minor and they'll take care of it, but anybody who's bringing it out is of age.

- That answers my question, thank you

- And they'll be trained

- All right, I was gonna ask, I suppose there's never been too many studies on this as far as what you might lose, business wise with something like this. I mean, you're trying to stay competitive, I understand that

- Yeah

- I think one of the things we're looking at in Green Bay is that there are many many opportunities to get alcohol, there's many establishments, I think that might have been part of it too, we understand that you're trying to do it for a business purpose, but what do you feel you might lose in terms of

- You know, we're relatively late to the game here right now, you know, that was on purpose. We really wanted others to kind of figure out how to do it, 'cause at this point, to be honest with you, no one's making money on online services today. But we know that the future is going there, so we just try to create some best practices, borrowing from everybody else who rolled it out, and not only in Wisconsin but elsewhere, so all our leaders are part of what we call share groups and so this is something that's been on the radar for, I don't know, three four years, we just felt like we needed to move now to kinda stay competitive.

- Are you aware of other establishments that are doing this right now?

- Yes,

- In the area?

- Yes, so yeah, we have, you know, as far as our camera system, I think the police department probably would vouch that maybe as far as a retailer we have the best security system within the city of Green Bay, I mean we have hundreds of cameras that are high, HD, so we have one on that area too now. So it will be constantly monitored. It's just part of what we're hoping to do to move forward, and it, and again, hopefully, my hope is that we are not going to be different than DePere, we're not going to be different than Suamico, 'cause I don't want to give business away, there's guests that come to the City of Green Bay, they'll have some options of where to go, I want the University location to be on a level playing field with one of those options.

- Did you

- Oh sorry, go ahead

- Nope, go ahead finish up

- I'm just going to ask one more question

- Yep, go ahead

- There's other Festivals in the city, so this is the only one that

- Yeah

- Not the other?

- The one in Bellevue, because, again, we're relatively new, maybe down the line all of our locations will have it, it was just a thought that the University location would kind of manage the east side as far as online and then Suamico would take the north and DePere would take the south basically and so the west side and the east side store at this time are not in the click and go program

- Okay, that's all, thanks

- When we propped this ordinance forward, did you get a chance to look at this, at what the ordinance was? Were you aware we had brought forward an ordinance for this?

- I was aware, that yeah, it was brought forth and it wasn't approved, so

- It was approved at committee, but when we got to council there was pushback, and it fell, and I was just wondering if you'd seen that ordinance if that, if there's anything in that ordinance that you found problematical or if the ordinance was okay, or if you've had a chance to look at it.

- Is there anything in that ordinance that's different from what I suggested, as far as procedure?

- I think it's a little more detailed, I'm trying to remember, it was a month or two ago.

- Well, but I know in DePere they want a specific path that this online shopper would follow, there's four designated parking stalls in our parking lot, if you've been there, you'll see how they got the big click and go signs on them, those, and that's they go from the receiving dock, and there's a side door, they go from there to that, so

- I think there was some procedural

- So

- Whoever made the order had to pick it up or something?

- It requires, right, it requires that the licensed establishment clearly details how their click and collect operation will function, and that the operation plan shall include the licensee's protocol for ensuring that underage persons and intoxicated persons do not pick up alcohol via the click and collect program. Let's see, no establishment holding an alcoholic beverage license shall allow online purchase and pick up of alcoholic beverages unless the sale is consummated on the license premise, payment for the purchase has to be completed on the premise, may not be completed until the purchaser is at the licensed premise and has presented valid photo ID that has been verified by a licensed operator employed by the premise, the operator must verify the person placing the click and collect order is the same person that is picking up the order, that the sale and delivery of click and collect purchases shall be made only by a licensed operator, no alcohol sales are permitted if the purchaser fails to present valid photo ID, the click and collect system must allow the purchase of alcohol to be denied without affecting the remainder of the purchase, and the transaction has to be captured and retained, an image of the vehicle into which the order is being loaded, there has to be retention and capture of the image for 30 days the transaction has to be recorded and retained for 30 days, which includes the name of the purchaser, the type of ID that was presented with the number and expiration date, the purchaser's date of birth and the license plate of the vehicle, it designates what the hours shall be between, like it's prohibited between 12 a.m. and six a.m. for class B and so forth, which coincides with what our ordinance is, and that if the click and collect purchaser is not the driver of the vehicle into which the order is being loaded, the licensed operator must verify that the driver is 21 years of age or older. It basically is structured so that all state laws are being

- checked

- Checked and followed, correct.

- So the hours for our click and go are from 10 a.m. to seven p.m. so, we have right now, the individual that's doing it, we have that, they're not only of age, but they've taken the city liquor license, so they're licensed liquor, they've gone through the procedure so we could say that all of our click and go personnel would be easy step to part of that process, so I think 10

-7 is pretty simple, there's four pickups in an hour, the way we've got this structured, so there'd be, and as far as the documentation being held for 30 days, everything that we record is on record for 45 days, so that would be no problem

- That's too long for that

- We followed a model ordinance that Madison had used
- Okay
- As far as the structure, so I think it's
- The one thing that I find, that I'm a little curious about is payment, I mean the whole purpose of online purchase is you pay online before you pick up, correct? But with this, you wouldn't be able, you would have to pay for the alcohol when you pick it up?
- You could finalize it at that moment, if they didn't, if they weren't of age or there was an issue, we would take it off and then finalize it.
- Okay, and then is there, I think we need to get the horse before the cart here. We need to get the ordinance in place, if we bring that back, and hold this until we get the ordinance in place, is that problematic, I mean it doesn't sound like you're ready to jump right now
- No, the proto's laid up, is rolling right now, everyone else is in this same place, maybe we're a little bit behind, I'm okay with that, I just want to do the right thing.
- Okay, thank you. Anything else? Thanks, Rick
- Thank you
- Good seeing ya.
- I want to close the floor
- First, is there anyone else who'd like to speak to this?
- All the floor
- Dawn Radford, 408 South Van Buren Street, apartment one, I just want to reflect, there's one thing I'm not hearing, is where in the vehicle do they place the alcohol, I want to consider that.
- Usually it's the trunk, but I think, it doesn't really coincide
- As long as it's not open
- Right, the state laws don't really , it's more of they're fine that the person is of age and that the person who's picking up is the person who made the purchase and the person that's giving the alcohol is a licensed operator, and that we have a record of the transaction in case something comes up later on.
- Okay, thanks. Okay, anyone else on this before Okay, why don't we make a motion to close the floor?
- Motion to close the floor
- Second
- Motion to close the floor by Alder Steuer seconded by Alder Stevens, all in favor?
- [All] Aye

- Opposed? Floor is now closed, Alder Dorff, got two cents for us?

- Yes, I would really like to see this come back to council, and I think at council we didn't have any answers to a lot of the questions and the person that had brought this forward, or that organization, didn't come to council to answer the questions, so I think it is the trend of the future, I think that we should be looking at this and I would hope that we could get to Rick to come to council when it comes back, but would it be at the next meeting, or are we just, I guess you guys are going to decide to send it back to staff or not, I just think it would be helpful to have the practitioner who's going to be using it be at the meeting to answer the questions, because that's not what happened last time.

- What I'm thinking is we'd hold this, put on our next agenda meeting the ordinance, and it would be published so that certainly everyone can look at it and show up at the protection and policy committee meeting to give our input and we could tweak as we see needed and then that could go to council by December, and then we should be rockin' and rollin'.

- Okay, all right, thank you

- Thank you. Any discussion?

- Well, I wanted to ask either Lieutenant or the Chief, you know, what your objection would be to this, I know you concurred,

- No, no, not with this.

- What do you mean? Didn't police concur with law on this, I thought?

- The first two items we did, but the third item

- No, no

- That's what I thought, I could be wrong

- That's fine.

- I think we concur

- You could certainly ask the police.

- I would like, you know, just your thoughts, either Lieutenant or Chief on this, you know what your thoughts are

- For click and go

- Well I do think it's definitely something, the online revolution is not gonna go away, but I believe that in my opinion, there should be some structure associated with it so we know what the rules of the game are.

- That's good, that's all I needed, thank you.

- Is that one thumb or two?

- Motion to return it

- To hold this
- To hold it and have staff
- To hold the application and refer to staff to bring back the click and collect ordinance.
- Yep, we need to make two motions or put that all in one?
- It can be one.
- Okay, we have a motion to hold this and bring back the ordinance to life, it's alive.
- Do you want to hold the application until the ordinance is in place?
- Yes, I think we need to do the ordinance first.
- Second
- Motion by Alder Vander Leest, seconded by Alder Stevens we'll give staff a minute here,
- Okay
- Okay, all in favor of that?
- [All] Aye
- Opposed? Okay, that passes unanimously. So, this will be on hold, we'll bring back the ordinance, we'll go through the ordinance and probably that same time we do the ordinance, if that passes, we can do this as well.
- All right, okay, item five.
- We are on to number five. Consideration with possible action on application for an available class B combination license for Everado Curiel, I don't know if that's Hispanic or not
- Close enough
- Well, I made it Hispanic. At 1657 Main Street, previously licensed in the 2016
- 17 license year as Nick's Bar, that's quite the change. Staff?
- Law department has no objections. This is in a moratorium area set by resolution, however the establishment will be a restaurant so they qualify for an exemption.
- Motion to approve
- Motion to approve by Alder Vander Leest.
- Second
- Second by Alder Steuer, all in favor of that?
- [All] Aye

- Opposed? Okay, that passes.
- And number six
- Consideration with possible action on application for a class B combination license for Titledown Tobacco LLC at 159 North Broadway, currently Prohibition Spirits LLC Staff?
- Staff has no objections. Our understanding is that the licensee is just changing the legal entity name from Prohibition Spirits LLC to Titledown Tobacco. The establishment remains the same as does the management and the same agent.
- We can concur.
- Motion to approve?
- Under Prohibition, I think you're prohibited from doing that, aren't ya?
- Ha ha
- Motion to approve by Alder Steuer Second by Alder Stevens, all in favor?
- [All] Aye
- Opposed? Good luck Titledown. Item number, well
- Yep, okay
- Item number seven consideration as possible action on an application for an available class B combination license for Amphora Wine Bar LLC at 131 North Broadway with a license description as bar area, seating area, back bar area, and storage in the basement on 131 North Broadway. Staff?
- Yes, so this establishment would be in the Broadway moratorium area set by resolution, which, again, is discretionary, not compulsory as it's not an ordinance. The applicant did indicate that small plates and appetizers would be served, however they did not provide any information or evidence that the principal business would be that of a restaurant as is required by the resolution that establishes the moratorium. They meet the revised state statutory definition of a restaurant under 12502 which no longer requires food service to be the predominant activity, however as a restaurant under 12502 it still needs to be the principal business of the establishment in order to meet the exception set by the resolution.
- Okay, now that resolution is an advisory, correct?
- Correct.
- And if we voted for this, it would need 3/4 vote from council?
- Not that I'm aware of, I don't believe the moratorium sets that requirement.
- Okay
- Or the resolution itself.
- Is there anyone here for, oh

- So

- Anyone here?

- Motion to open the floor.

- Motion to open the floor by Alder Steuer Second by Alder Vander Leest, all in favor?

- [All] Aye

- Opposed? That floor is now open, and you filled out a, thank you Okay, your name and address please?

- Trevor Commons 1105 Klaus Street, Green Bay Currently a registered agent at two other bars in town here, at Ned Kelly's and Frets and Friends, my partner at Ned Kelly's recently acquired that property on Broadway Street and we want to open up a wine bar. It has a kitchen currently. The language on how much food we're going to serve is kind of tough right now because we're not open. So whether we're going to have 50% of sales in food, or 50% in wine, we don't know yet. But I believe the moratorium, or referendum was to clean up Broadway, this is a wine bar with fancy food, casual to upscale clientele. I don't think we're gonna have a whole lot of issues.

- Okay

- I can say more if you have more questions, but

- Thank you, anyone else here to speak on this. Make sure you fill out a form if you haven't filled one out, and your name and address please?

- Sir, my name is Tony Spencer, I pardon me,

- I know, you've got a sore throat, yep

- I reside at 1144 Steward Street, I would like to support everything Trevor just said. I personally work at a more upscale bourbon bar, with a restaurant. Our clientele is not the kind of people that bring trouble to any neighborhoods. I would just like to speak out in favor Their goals, given that they want to become a wine bar with fancy food, the kind of clientele that comes into there is not a trouble to the community, in fact it helps boost the local economy. That's all.

- Questions? Okay, thank you. Anyone else here to speak on this?

- Motion to close the floor.

- Motion to close the floor by Alder Stevens

- Second

- Seconded by Alder Steuer. All in favor of closing the floor?

- [All] Aye

- Opposed? The floor is now closed

- I'm sorry I didn't catch the closed

- Stevens made the motion, Alder Steuer seconded.
- Thank you.
- Questions?
- Gentleman, any thoughts on this?
- Motion to approve
- Motion to approve by Alder Stevens
- Um, one, before we move on to the motion, I did notice that they were asking for, maybe I'm mistaken, asking for a patio area
- It looks like a
- Is that part of the application?
- Yup There is a seating area, and I'm assuming that's outside.
- I do not believe they provided any information as to what that patio area would look like and whether it would comply with our ordinance regulations,
- Has the
- to that point If they don't have that information, I would suggest holding it until the next meeting so they can submit that, to decide whether the committee has to recommend approval, waiving the requirements or not
- Mmhhh, I'm going to make a quick question before that. Have you met with the police department at all, to come up with a site plan?
- Yeah
- And you have a site plan?
- I talked to Officer Allen
- Okay
- To go over a security plan
- Security plan, but not a site plan?
- Ahm, no, we are planning on removing a part of the roof, which would expose a patio area, but because it's not a patio area yet, and I'm applying for a liquor license, I didn't claim patio area because verbiage gets a little confusing and very specific when you're applying for a liquor license.
- Well you still have to go through the community development department to get a site plan, you'd still need that.
- Well you know, we have a bunch of questions. We should probably open the floor.

- I should have done that
- Motion to open the floor
- Motion Alder Steuer
- Second
- Seconded Alder VanderLeest, all in favor?
- [All] Aye
- Opposed? Okay, make it official, let's do it right
- I I 05 Klaus St
- Yep yep yep
- And the initial plan that I turned in to the city, we had pictures of what the current property looks like, with, we met with an architect, and renovations are in the works, we can't actually access the building until November first, so we have plans, the architect actually has more plans, but yes, there will be a patio and I guess I wouldn't know what else I need to do,
- Yeah, you should probably meet with the police department
- It changes, so you're not including the patio area as part of your license at this point, you would be seeking for a change of premise to include an outdoor seating area at a later time once it's actually constructed
- Correct
- I just want to
- Oh yeah, yes
- Oh you don't want it right now?
- We don't want it right now
- Now it's just the bar area, seating area, back bar area and storage area in the basement
- Correct
- Okay, all right
- The basement's just for storage, you don't want to go down there.
- Randy would
- Yeah, yeah, okay
- Motion to close the floor by Alder Stevens Second by Alder Steuer, all in favor?
- [All] Aye

- Closed
- Well okay, with that information, motion to approved by Alder Stevens
- I'll second
- Second by Alder Steuer Any other discussion? All in favor?
- [All] Aye
- Opposed? Okay, that passes, it will go to council.
- One quick question for our attorney
- Before this establishment will open, will there be an inspection, a city inspection done?
- Yes, so inspections has to sign off before the clerks office can issue the license. So if it's granted at council, it still has to go through inspections first. So inspections would have to sign off on electrical and plumbing and all that before the license is issued by the clerk's office
- That just, will know that as well too
- Yup standard procedure
- yep thank you
- Okay.
- We are on to number eight. Consideration with possible action appeal by Eveyln Buford to the denial of his operator license. Staff?
- Yes, so you do have a denial memo that lays out the details. Law department does recommend denial based on multiple prior convictions for offenses that substantially relate as they indicate a propensity for repeated criminal behavior and indicate that the applicant is a habitual law offender and therefore disqualified under chapter 125, additionally she does have a felony conviction and two subsequent probation violations for that felony.
- Motion to, I'm sure there's someone here for this? Motion to open the floor by Alder Steuer Second by Alder Stevens, all in favor?
- [All] Aye
- Opposed? Okay, the floor is now open, please come up state your name and address and make sure you fill out a form
- Evelyn Buford 1725 Apartment 8 Munson Ave I've got a past, everybody's got a past everybody's changed since then and I've changed since then and I don't drink any more. That's one reason why my bartender hired me, because I don't drink. And I do give people rides home when they do drink and everything. And for example, this is an example, I'm not using names because we have, we had, a bartender there previously, recently, within the last two months who has two drunk drivings, a hit and run, who went to jail, who got out of jail, on a bracelet with a blower, who came back to our establishment, bartended, who messed up who's back in jail so went the rest of her time so why didn't pull her license for doing these things and driving on her

third offense and mines been since 2014 and my violations on probation, I was, my husband at the time was sick fourth me, and I live beside a bar, so I go over, order food, he seen me in the bar, he called my probation officer. I go in there just to get my food and go home. I changed since then, I don't drink. I got a letter from the owner of the bar.

- Stop

- be here

- Thank you, very helpful.

- I'm just asking for a second chance.

- Stop this way. Anything else? Okay, any questions?

- Are you currently on probation ma'am?

- No, I've been dismissed from 2014.

- Okay, thank you.

- And you're, you're not, right. You're renewing a license, or, this is a renewal, right?

- No it's a new application

- it's a new one

- Okay, but you had served, you were licensed before

- Yeah, in the past, like 10, 15 years ago. I used to bartend at Studio East when it was open, Beck and Diane's when it was open, back in the day and I just got messed up in the wrong crowds back in the past, and I have a fiance back in 2013, I straightened my life out, he just passed away 2016, I just recently moved back up here 2017, got back with a recent boyfriend and met Ray, met Laurie, and I even clean bar in the mornings there, so, I don't drink and, yeah

- So where's the establishment?

- The Slammer, Ninth Street near Carrows

- So I mean, right now, you can serve if you have the owner there, correct?

- I have my provisional until the fourth of November

- And after that?

- I can't

- Okay, that's all I have

- Anything else then?

- a second chance

- Okay then, thank you. Motion to close the floor by Alder Steuer Second by Alder Stevens, all in favor?
- [All] Aye Opposed? What are you thinking?
- She answered my questions so motion to approve
- Motion to approve Alder Stevens
- Second
- Second by Alder Steuer Yes, I think we've been down this path many times, where people had a rough beginning and they straightened out and they, she's been good for four years now, she's not on probation, she's got a wonderful letter from her employer, I gosh Time flies. So, I have no problem with this. Discussion?
- No
- All in favor?
- [All] Aye Opposed? Okay, this passes then, will go on to council next Tuesday
- [Evelyn] Thank you
- Do you want the letter?
- Do we
-
-
- It's up to the committee whether you want to part of the record or
- We could make it part of the record
- Okay
- I think so. Are we ready for nine, or
- Just a sec Now we are.
- Discussion with possible action on general ordinance 27
- 18 amending section 27.902 subsection two Green Bay municipal code related to penalties to marijuana possession previously discussed at the October 8th protection and policy meeting Staff, I see you've made a few changes.
- We have, so the committee previously requested staff to amend the ordinance to increase the gram amount, gram amount from 25 to 28 and to include community service as a penalty option in lieu of or in conjunction with the fine. Those changes have been made. Additionally, the committee also requested staff to provide a proposed fine structure that differentiated between possessions in private versus public. Staff has made that change, providing that possession of no more than 28 grams in a private residence shall be subject to a forfeiture of no less than \$1 and no more than \$250. And possession of no more than 28 grams in a public place shall be subject to a forfeiture of no less than \$1 and no more than 500. In further, staff did look into the

last requested change regarding exempting marijuana paraphernalia. Staff did consult PD specifically with drug task force officers who indicated that it would be very difficult to distinguish drug paraphernalia used only for marijuana from paraphernalia used for other controlled substances. Most if not all paraphernalia that is commonly used consume marijuana can also be used to consume other types of drugs. Not only would it be difficult to distinguish between the types of paraphernalia in the ordinances, it would be difficult for law enforcement to make those determinations in the field. This would involve more evidence to be tested which can be time consuming and cost prohibitive. We did reach out to the district attorney but we did not hear back as of today's meeting regarding their input as well. And I think that covers the changes.

- Okay, thank you. Anything from the police department on this?

- I don't believe the police department has an opinion on this. We will enforce whatever the committee decides to approve.

- Okay

- In honesty, I don't think it's going to cause much of change in what we do, I think we'll have the same, probably the same number of arrests, the same amount of arrests. I have some statistics here and I don't really see that changing based on the changing the size of the fines

- And the changes, I mean, I can see how if we include paraphernalia that becomes problematical but we got here as far as procedures,

- I don't think it's going to affect the police department in how many arrests we make or what we do. I also get the idea of giving our guys a little more discretion when it comes to changing it from just an ordinance violation to a criminal violation and I think you will probably see a decrease in the number of criminal violations and probably an increase in the number of ordinance violations but I don't think you'll see a significant decrease in arrests, just parenthetically, you had 775 arrests all last year, we're looking at 759 as of the middle of September so we're on track to do a little bit more than we had last year.

- So, the district attorney's concern about that, it would have the opposite effect, of officers actually writing more criminal for, I'm not sure what reason he gave, maybe that officers would feel we're being too light on offenders or something? I'm not sure why, you're not picking that up? Vibe at all, so to speak, shall we, you expect officers to

- Firstly, I'd expect officers to write the same number of citations, arrest the same number of people they did last year

- But mostly city ordinance?

- I would say there would be more, giving officers more discretion, I would expect to see more ordinance violations than pure criminal violations.

- And you still have that discretion, so if you feel it's criminal, so

- Yep, piggybacking on that a little bit, I guess you know one of the concerns we had at the committee I think, or at least myself, was thinking of the court, time at the courts. I think we have quite a bit of that, and I know the DA's not here to talk about that, but I think that was one of the concerns I know I had. And you're saying, and I realize, chief, that when I called you and talked to you about it and you were saying that we'll legislate and you'll deal with what the results are for that. I, it would be nice, I guess, opinion wise, I mean we were kind of reaching out a little bit to the police department because you're the ones that deal with it. I understand, this panel coming forward, deciding, okay, let's reduce a little bit. There seem some concessions have been made, you know the amount that was talked about, and the discretion of whether it's in the home or a public spot.

So there has been some compromise with this, but with that being said, I've had a little bit of pushback from some of my citizens, they feel it should stay the same, so those are always tough ones to deal with, and a lot of times I'll deal with my citizenry and they'll tell me how it should go. I'm just stating, I am just looking for an opinion from you but I understand where you're coming from.

- You know the whole rule would be easier for us if there was no such thing as marijuana and we didn't have to worry about people driving under the influence and all these arrests, we have other bigger fish to fry so to speak, but that's the world we live in now and it sure seems like this train is going down the tracks, looking at California, looking at Colorado and now looking at what they're doing in Canada. This public and our elected officials seem to be heading down that track. We will do as you legislate and enforce the laws as they're written.

- That's all I have for now.

- I'd like to weigh in on it.

- You go right ahead.

- I got an article here out of the Green Bay Press that says Sheriff, DA weigh in on Green Bay weed fines. Police and prosecutors have reservations about proposals to reduce fines and penalties for possession of marijuana but are largely stayed in the sidelines as committee debates the issue. Yet Brown County Sheriff John Gossage in an interview called it alarming that the city would consider reducing penalties and he shared a concern of Brown County District Attorney David Lasee that reduced penalties could send the wrong message to young people. It seems like when you lessen a fine, you're not condoning the activity, but you're saying it's not something we see as a big concern in the community Gossage says. As a sheriff, my responsibility is to the public safety for the entire county including the Green Bay. If it's legalized or they reduce the fines, then we'll enforce those laws, but when it comes to myself as a taxpayer and a father and kids operating vehicles under the influence, that impacts the overall public safety of Brown County and that's where I have to offer up my opinion. There's a little article here about Randy as well in this, it says Alderman Randy Scannell has proposed cutting the fines for simple possession which is treated as a city ordinance. Violations from \$1000

- \$500, removing driver's license suspension and penalties and adding community service as a penalty option and increasing the maximum weight that falls under the ordinance from 25 grams to 28 grams. His proposal would also remove a provision that requires anyone caught with marijuana who has a previous drug conviction be referred to criminal prosecution. Last week the committee voted three to one in favor of two changes to the ordinance, raising the weight to 28 grams. It says Alderman John Vander Leest voted against both changes and opposed Scannell's proposal shared reaction from Lasee and Gossage to back up his stance that a \$1000 fine works as a deterrent and that law enforcement has a handle on the issue. In an email to Vander Leest, Lasee said he's concerned the changes could be interpreted as discriminating possession of marijuana particularly for young people. I believe there are quite few studies that demonstrate the negative effects of marijuana usage, especially for adolescents. In the interview, Lasee said previously directed police departments and sheriff departments to issue municipal citations instead of criminal charges for residents found with small amounts of marijuana. He said reducing the fines would change how police officers view the possession of marijuana incident especially in the community like Green Bay that could opt for criminal charges out of concern that a \$500 fine would not be enough punishment. The larger fine rate gives officers more discretion to fine them rather than refer to criminal charges Lasee said. If an extra tool in the law enforcement belt, especially in Green Bay where they have more serious cases to work, Scannell counters that reducing fines does not tell kids it's okay to use marijuana. He said it's aim is to bring the fines in line with the severity of the offense. The fines are totally out of proportion to the offense, he said. This would not encourage teen use. It's illegal, where we're not talking about making this okay for teens. Lasee says possession of marijuana penalties and discrimination, decriminalization are ultimately legislative issues, but it's important for police to have options when enforcing the law. I want the committee to understand how to fits into the larger picture. How

Green Bay changes could have the opposite effect, he said. My concern is the lower fines would shift more work to criminal courts. The Green Bay Police Department has declined to comment on proposal changes. According to the information presented to the committee, Green Bay police have issued 336 citations for the possession of marijuana since January one. They might be wrong on their number there on that bottom there if it says 336, the Chief said it was 700

- And we had that information last time.

- And also, another little thought is, what kind of message are we sending to our community? I think we have a drug problem in the city of Green Bay, in the Brown County overall as a whole, and I don't support reducing the fine down to \$500. I think that the DA and the sheriff Gossage, do they handle the drug courts and things, I think they have a handle on how they'd like to see it and according to the input we have from Green Bay police that we're not looking to slap the \$1000 fine on everybody that's apprehended for these charges. I think that the Green Bay police is doing a good job as far as how they're handling it and I'm not in favor of the changes I feel that marijuana is a gateway drug to other drugs especially for young people, college age people, I'm for keeping the ordinance as is, and I think that you know, just like they stated, the DA stated and the sheriff stated, it's a tool for law enforcement and a deterrent as well. So that's my thoughts and I'm not supporting the change.

- So you don't even want to change the second offense, that it automatically goes to criminal court in our ordinance? Which would tie up the criminal courts.

- I'm not looking to change the ordinance, I feel that law enforcement is doing a good job at this point I haven't had anybody in my district call me and say that you know we want to reduce all these fines and we want to change the ordinance. I feel that, I haven't had anybody call me saying that they'd like to see a change, so I'm just, leave the ordinance as is.

- Okay Any other comments?

- That's it

- Thank you

- Well, I can, I'll piggyback a little bit on that. I would like, there's some citizens here, I'd like to hear from them.

- Certainly.

- So motion to open the floor.

- Motion to open the floor by Alder Steuer seconded by Alder Scannell

- I'm sorry

- That's all right, that's all right. All in favor?

- [All] Aye

- Opposed, okay the floor is now open. Please state your name and address and fill out the form if you haven't filled it out

- I already filled it

- I figured

- Dawn Radford 408 South Van Buren Street, Green Bay First off, I'd just like to thank the committee and everyone else who's worked on this thing. You've been quite thoughtful, certainly concerter but grateful for that. This is shaping up to be quite a comprehensive measure so much so that I don't think be exaggerating when I said it might be crafting model for the rest of the state. I have heard some concerns mentioned about all this stuff. Recurring concerns, the term gateway keeps coming up. Gateway theory has been so thoroughly debunked, the DEA does not even cite gateway theory anymore. It's considered a joke, quite frankly. I've heard a lot of concerns about studies about teenagers using marijuana. Generally, what I've found when I dig into this is these studies are based on surveys which are predicated on two presumptions I find quite laughable. One, that teenagers always tell the truth when presented with the opportunity to incriminate themselves and second that they do not become distracted when put alone in a room with a computer. I've just got real problems with that. We're not talking about making anything legal, for even with full legalization, and speaking of full legalization, I would hope each every one in here would be aware that when we propose to make marijuana legal for general adult use, we're talking about putting every black market dealer in the state out of business. Making the points of sale known locations where enforcement can conduct compliance checks. This is the whole idea, all right? Beyond that we're talking about a lot of questions now that are more germane to the discussion of legalization, so in the interest of time I'll simply state that if anybody want to discuss this further I will make myself available. All right, beyond that, I would be thrilled to see this go to full council tonight, it's a great piece of work, I'm truly impressed. Thank you very much.

- Thank you, I appreciate your input, you've been helpful. Questions? Okay, anyone else?

- Absolutely.

- Name address one more time.

- Of course, Brian Spencer 1144 Seward Street I'm not really sure where to begin right now. I came here understanding the amendments proposed from the last P and P council, or I'm sorry, committee meeting. These things seem to have been approved. The maximum amount being 28 grams not 25. Whereas my personal, and of several people I represent, being a zero dollar fine, and not to say a lesser fine for private use and possession of up to 28 grams, which equivalates to one ounce, because for some reason the US doesn't use the metric system, seems fair. It does. To tack on a non

-mandatory criminal charge for a second and subsequent offense, that being to police discretion for any user who is caught another time, not automatically being a felony, which under current state law, a second offense is an automatic felony so whoever stands before me here tonight, or stands at the common council, then, this comes up is saying any person caught more than once possessing marijuana is automatically a felon and their life forever ruined, given the label of a felon for no more than possessing less than one ounce of marijuana. And these two changes I find acceptable. Alder Vander Leest, I will speak directly to you. I really do not understand your issue. I understand many reasons why you might be apprehensive. It being a gateway is patently false. And I encourage you to research more data. This data, I would be happy, and many of my supporters, would be happy to provide any full council meeting. This being said, I feel many of the things you have cited

- Address the chair

- Thank you

- Yeah yeah, yep

- I feel that Alder Vander Leest, many of the things he has said have been stall tactics to keep it away from the common council. Alder Steuer has said to me, personally, and has said to this committee and the public, that

he relies on the opinion of his constituents. That being said, a number of the constituents, a great number, of the constituents, who are legal voters, whether they have never been convicted, or have been convicted, and have since had their voting rights reinstated and no longer know they are able to vote are in favor of this. Those people specifically are not likely to call their representatives. This is why myself, why Dawn, why many of the people have come up to this podium and spoken out in favor of it are here. These people don't know they have a voice. We are their voice. So I may not be coming from your district, or from yours, or yours or yours, who you're here. This is not legalization, this is freeing up the time of the police department. This is freeing up the time of the municipal court. This is freeing up the DA's office from making felons and ruining lives of people who do something that is a very low priority nationally. And again, I do not have the statistics right now, I would be happy to provide them at common council, but nationally, these are not priority arrests. Alder Vander Leest believes there is a drug problem in this state, maybe in this county. If that is the case, there are far more dangerous drugs out there. Despite what Alder Vander Leest proposed

- Okay, but it would be best not to call out Alders by name. Just address what has been said and address

- Thank you Alder Scannell Despite what was proposed at the last P and P meeting about marijuana being potentially dangerous to teenage brains, many more studies have shown marijuana to be safe, effective, and therapeutic in many ways. With all the evil out there, this should not be a priority of the city. I am not proposing that you de facto legalize I am proposing that you prioritize, if your issue as a council, as a city is drug enforcement, let us look at the drugs that actually cause harm. Up to 28 grams is reasonable, in your home a lower fine is reasonable. This is a place, it seems like, the majority of us, both you as a council and us as the public, can agree to. That being said, any argument from any one of you or anyone else, any one of your colleagues, to stall this, to delay this, back to staff, which means back to committee, and not put it in front of the full representation of the city is a stall tactic and something intentionally, in my own opinion, targeting and delaying any action good or ill on this issue. I believe there is support in the city of Green Bay for this matter. Not legalizing. Reducing fines up to \$500 for public use, up to \$250 for private use, up to 28 grams across the board. These are things that will be debated, even at full council. It will. You should all know this. You should, because I don't believe any one of you to be unintelligent. That being said, let's put it up to the city. Let us not stall, let us not delay, let us not scare. Let us not dissuade in any way, let us not distract, let us not use any rhetorical point, that might get off the truth. This is not a priority. The police department has said this many times. This is not their priority. Let us lower the offense. Let us make this easier on our citizenry. Let us do the right thing. That's all I have to say.

- Questions, sure? Thank you.

- Thank you

- Anyone else on this?

- Motion to close the floor by Alder Stevens Seconded by Alder Vander Leest, all in favor?

- [All] Aye Opposed? The floor is now closed. I would like to see about possibly one small amendment depending on staff's input. I'd like to change possession of marijuana to possession of cannabis. Is that create any kind of legal issue with the state or anything?

- It may, we would have to look into it. Off the top of my head I don't know what the distinction would be between cannabis and marijuana.

- I believe it's just another name for the same product. That's one reason I would like to change it if possible, that's not going to make things too complicated because marijuana has many names, in many languages

- We would have to review the impact of that before we could, I'm not sure what the, if there would be any kind of impact. To be consistent with other ordinances, other state statute references, the suggestion would be to stay with marijuana.

- All right, then that's fine. I'm not gonna, it's not that big an issue. I just thought cannabis is better, and I still feel that way, but it's not that big an issue, so I was wrong on a possible amendment.

- I also see a change here too

- Yes

- When we sent it back it was privately owned residence and now it's private residence?

- Yeah, so we wouldn't be able to have it set up just to apply to privately owned residences because then we would be discriminating between renters and people who own homes.

- Anything more on that? Questions or comments? Okay Anything else?

- I think there's a lot to be said. I did have chance to talk to Tony a couple times and you know I went to school in Madison in the 70s so I understand some things. I guess all I'm trying to say is that as you I think one of the concerns I have is the safety issue. I do have a concern about that, so whether you're drinking or smoking marijuana, when you get behind a vehicle, you know, you are going to be altered in some way. I mean that's just, I think one of the things that concerns me as far as the safety issue. If you wanna report to that, let me just finish and then we can. So I understand Alder Vander Leest's comments, and I've talked to him about that as well. And I also understand Alder Scannell and where he's coming from. We will debate this at council. This is just a recommendation, so believe me, we will hash that out. I did vote for the lower fine in committee previously. I'm a little on the fence right now, I'll admit it. Because I've talked to some other folks as well. So if we open the floor again we can talk about that a little bit but I am on the fence right now about this as far as committee, I think there were some good changes here but still trying to figure out, you know, we're not trying to legalize anything here, I understand that. I'm glad at least you folks looked at it from that point. A lot of times when we talk about situations like this we're looking for some, possibly, some type of compromise. I had hoped from our police department I would get a little more emphasis that way, I know that Tony has come forward and talked about that as well. A lot of times when we're trying to make decisions, we're just trying to get information from all parties. That's all for my ramble right now.

- Well then, I'm going to wrap it up and we'll vote. This whole thing started with a community discussion that I had, many of those were self medicating, and between a rock and a hard place. They didn't like that they were breaking the law, but they didn't like being in pain so it was their anxiety about the way the law is written, in particular, and for me this is the fundamental issue, both the second offense automatically going to criminal court, which ties up our criminal courts, which makes this a felony for people on their second offense that seems totally unfair and inappropriate. Our society has changed. There was a time when marijuana was very much a part of the cultural war, and I think that's why you see provisions like suspension of driver's license which is just terribly punitive and definitely no longer appropriate, but there's no other law that does that, that I'm aware of. I've talked to staff, they weren't aware of any other law that as a matter of law that's a possibility that has nothing to do with a moving violation and you could lose your license, so I think our society is changing on this. I think our practices are changing on this. What we're doing here is nothing more than what is currently basically going on. Fines are reduced at, in court. The main purpose for this for me, is to drive this away from criminal court, not put felony records on people, that's totally unfair, to remove the driver's license suspension, that's totally inappropriate, and to move this to municipal court. And when it comes to municipal court, what we want to do is avoid going to court. So we want to make a fine that's steep enough to plea bargain, induce a plea bargain, and keep this out of our municipal court and talking with judges and our staff, I believe the \$500 maximum still does that. So as a practical ordinance, I think this does the trick. I think it's fair, I think it takes in current realities, we have legalization, actual legalization, in Canada, Minnesota, Michigan, we

are surrounded by it, this is an issue that is going to affect our state, going to keep affecting our state. We're gonna have to deal with this, I believe to deal with it fairly and practically and basically what we're doing here, for the most part is the way we are handling it. This isn't a radical change. I think we're just making the law reflect what we're doing and ensuring that our law is fair by removing onerous provisions. So I fully appreciate everyone who's put their input in on this, I spent a lot of time before we brought this forward talking to staff, police, the courts, and citizens who are concerned, there's been a lot of hands working on this and I think this is a good document. I appreciate everyone who helped me make it, helped us make it. With that, I'll wrap it up, and let's take a vote. We better do this on the board.

- Do we have a motion and a second?

- Oh, is there a motion to adopt?

- Moved

- Motion to adopt by Alder Stevens

- I will second

- Seconded by Alder Steuer.

- And the vote's started.

- So a yes vote is?

- A yes vote says we make the changes. And there's still time for whatever at council.

- It's not coming up in my computer here.

- It's not, then how would you like to vote on this?

- It would be a nay from me, thank you

- Mmhmm.

- Anything come up for you?

- No it doesn't, I would vote yes.

- Yes? All right, that motion passed, carried on a vote for three to one with Alder Vander Leest voting no.

- Okay, thank you. Thank you.

- All right, we are on number 10

- I gotta get there. All right, item number 10, consideration as possible action a request by Alder Scannell that the advisory committee be dissolved and items still on this agenda be placed on Protection and Policy Committee agenda. Staff, is there anything on the agenda still hanging?

- Not that I'm aware of, if there were to be anything Nope, there isn't

- No, okay

- As far as dissolving the advisory committee, we would just need this referred to staff to make the proposed ordinance amendments and then we could bring that back to the committee.

- Okay

- And legal would just change a couple provisions, and I'm not sure what chapter, that basically establishes advisory, would just delete those and pass the amendment ordinance.

- Yeah, I brought this forward because in all practical purposes, this committee has taking over the advisory committee's role, and I did that because I thought it was more practical to have a standing committee address these things than have issues hanging out there forever and ever when they were with advisory, we had trouble getting forms and things just seemed to hang and hang. This seems much more efficient. But this is still in our ordinance? Advisory committee is still in our ordinance and I don't think that's, I think we should clean up our books and that's why I brought this forward and so, any?

- I think with that being said, I think there's always this, I won't even say power, but the fact that it is a standing committee, I'm fine with that, I think when the advisory committee was first set up I had some concerns about that. I thought that too many personalities were involved and it got away from what we should be doing and if our committee can handle that, I would be fine with that.

- Motion to return it to staff

- Motion by Alder Vander Leest to kick it to staff Seconded by Alder Stevens, any further discussion? All in favor?

- [All] Aye

- Opposed? Congratulations, staff. We have liquor violation report from the police department for October 22nd 2018 spotlight.

- No liquor violations

- Click that was quick, thank you very much sir, well done I know that's due to our law enforcement, you do an excellent job

- Motion to receive and place on file

- Motion to receive and place on file by Alder Vander Leest, second by Alder Stevens, all in favor?

- [All] Aye

- Opposed? That was received and placed on file, ready to

- Adjourn it?

- I would say adjourn it

- Yes, we are ready to adjourn.

- Motion to adjourn

- Motion to adjourn by Alder Stevens, seconded by Alder Steuer, all in favor?

- [All] Aye
- Aye, aye, we are adjourned. This was fun wasn't it?
- It was fun.
- Remember to log out now, you've got to go to leave the meeting.