



AGENDA OF THE PROTECTION AND POLICY COMMITTEE

**MONDAY, OCTOBER 28, 2019, 5:30 PM
CITY HALL, ROOM 207**

A. Roll Call.

B. Approval of the Agenda.

- I. Approval of the agenda for the October 28, 2019 Protection & Policy meeting.

C. Approval of Minutes.

- I. Approval of the minutes from the October 7, 2019 Protection & Policy meeting.

D. Regular Business.

- I. Consideration with possible action on an application for a "Class B" Combination license by Phat Headz II, LLC at 420 N. Clay St. with a licensed premises description as "1 story building, sold in main bar, beverage store in main bar, shelving in locked office, walk-in cooler." (Previously license as Live Entertainment, LLC).
3. Consideration with possible action for an application for an available "Class B" (wine only) winery license for Noble Roots Brewing Company, LLC at 2790 University Ave. with a licensed premise description as "outdoor patio, brew pub/taproom area."
2. Consideration with possible action on an application for a "Class B" Combination license for Ofelia Gruetzmacher at 1706 Main St. with a licensed premises description as "bar, restaurant with full service kitchen, full bar, stage, restrooms, dining (booth and table), coolers." (Previously licensed as Homemade Southern Cuisine, LLC).
4. Consideration with possible action on a request by Ald. Chris Wery regarding the policies and procedures of the Inspection Department as it applies to communicating and working with constituents who request their alderman's assistance. Further, to discuss customer service standards and work expectations of inspectors. Investigate the addition of evening and/or weekend inspection hours (recommendation to be made to Personnel Committee only pursuant to GBMC 2.06(9)), which was referred to the Protection & Policy Committee at the Improvement and Services Committee meeting September 25, 2019.

5. A request by Ald. Brunette for discussion with possible action on creating an ordinance allowing golf carts on city streets.
6. Consideration with possible action on the Green Tier Legacy Community Resolution, which was referred from the Sustainability Commission.

E. Informational.

- I. The Liquor Violation Report for October 28, 2019.

F. Adjournment.

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



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

MEETING DATE

October 28, 2019

PREPARED BY

AGENDA ITEM # D.I.

Consideration with possible action on an application for a "Class B" Combination license by Phat Headz II, LLC at 420 N. Clay St. with a licensed premises description as "I story building, sold in main bar, beverage store in main bar, shelving in locked office, walk-in cooler." (Previously license as Live Entertainment, LLC).

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. SECURITY PLAN AND STIPULATION AGREEMENT.AYRESS.503
2. APPLICATION
3. olde main moratorium 10-23-07

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

October 23, 2007

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

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

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

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

NOW, THEREFORE, BE IT RESOLVED:

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

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

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

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

3. Exceptions.

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

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

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

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

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

4. Prohibition Not to Apply to Restaurants.

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

Adopted 10/23/07

Approved 10/24/07

Mayor

Clerk

bc

Attachment - Map



Old Main Street Business Improvement District



BID Boundary



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



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

MEETING DATE

October 28, 2019

PREPARED BY

AGENDA ITEM # D.3.

Consideration with possible action for an application for an available "Class B" (wine only) winery license for Noble Roots Brewing Company, LLC at 2790 University Ave. with a licensed premises description as "outdoor patio, brew pub/taproom area."

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. 2790universitylicensестipulation
2. LAYOUT&OUTDOORAREA
3. 2790University



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

MEETING DATE

October 28, 2019

PREPARED BY

AGENDA ITEM # D.2.

Consideration with possible action on an application for a "Class B" Combination license for Ofelia Gruetzmacher at 1706 Main St. with a licensed premises description as "bar, restaurant with full service kitchen, full bar, stage, restrooms, dining (booth and table), coolers." (Previously licensed as Homemade Southern Cuisine, LLC).

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. 1706 MAIN



Report to the
Improvement and Service Committee
of the City of Green Bay

MEETING DATE

October 28, 2019

PREPARED BY

AGENDA ITEM # D.4.

Consideration with possible action on a request by Ald. Chris Wery regarding the policies and procedures of the Inspection Department as it applies to communicating and working with constituents who request their alderman's assistance. Further, to discuss customer service standards and work expectations of inspectors. Investigate the addition of evening and/or weekend inspection hours (recommendation to be made to Personnel Committee only pursuant to GBMC 2.06(9)), which was referred to the Protection & Policy Committee at the Improvement and Services Committee meeting September 25, 2019.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



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

MEETING DATE

October 28, 2019

PREPARED BY

AGENDA ITEM # D.5.

A request by Ald. Brunette for discussion with possible action on creating an ordinance allowing golf carts on city streets.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. Protection



PETITIONS AND COMMUNICATIONS FORM
COMMON COUNCIL
CITY OF GREEN BAY

Date of Council Meeting: 10/1/2019

Request of Alderperson Jesse Brunette

Refer to: Protection and Policy

Please state clearly the action requested. Requests should be turned in at the City Clerk's Office by 10:00 AM on the Thursday before a Council meeting. For late communications, present this form to the City Clerk after the request is read.

For discussion with possible action on creating an ordinance allowing golf carts on city streets.

RESOLUTION

RESOLUTION APPROVING PARTICIPATION IN THE GREEN TIER LEGACY

COMMUNITY PROGRAM FOR THE CITY OF GREEN BAY

WHEREAS, the Wisconsin Department of Natural Resources in partnership with the League of Wisconsin Municipalities, 1,000 Friends of Wisconsin, Wisconsin Energy Conservation Corp, Center on Wisconsin Strategy, Wisconsin Counties Association and the cities of Appleton, Bayfield, Fitchburg, Middleton, Ashland, Monona, Eau Claire, Bayside, Port Washington, Sheboygan, La Crosse and the Village of Weston have created a Green Tier Charter for Legacy Communities with goals of:

1. To assist the City of Green Bay in achieving superior environmental performance in both of the following two areas: (1) water resource management; (2) sustainability practices; and goals relating to economic development, public health and social equity; and to recognize their efforts and progress;
2. To improve the quality of life and economic vitality of communities;
3. To help the City of Green Bay and the Wisconsin Department of Natural Resources address wastewater, storm water, drinking water, wetlands and other water issues in a holistic, watershed-based manner;
4. To assist the City of Green Bay in preparing, implementing, and improving an overall watershed plan(s) that integrates the municipality's full range of water resources issues;
5. To assist the City of Green Bay in preparing, implementing and improving over time a sustainability plan that reduces the City of Green Bay's impact on the environment;
6. To facilitate access to state and federal funding for projects and activities related to achieving the purposes of this charter, such as energy efficiency, renewable energy, greenhouse gas reductions, comprehensive planning, transportation policies, and integrated planning for wastewater treatment, storm water treatment and management; and drinking water;

7. To realize taxpayer savings through reduced municipal expenditures on motor vehicles fuels and energy resulting from efficient development patterns;
8. To help the City of Green Bay comply with various water regulations in a more efficient, cost effective and flexible manner;
9. To achieve other demonstrable and measurable environmental improvements beyond what is required by local, state, or federal law;
10. To assist the City of Green Bay in approaching zero waste and improving waste management practices; and

WHEREAS, the City of Green Bay was invited to join in this voluntary program and believe participation will further enhance our city's current commitments to sustainability, and

WHEREAS, the City of Green Bay will benefit from such a partnership with the Green Tier Legacy Communities Program by receiving positive recognition, gaining access to a DNR staff liaison and their resource team, receiving prioritization in applying for certain grants and streamlining in certain DNR permitting processes, and

WHEREAS, the services and resources provided by the Green Tier Legacy Community Program will benefit and assist the initiatives and efforts of the Sustainability Commission, and

WHEREAS, by adopting this resolution the City of Green Bay agrees to sign and hold to the Green Tier Charter for Legacy Communities. We will participate in the quarterly meetings, networks and share information with our public and the communities in the program, and provide an annual report noting the progress in our goals, baselines and sustainability plans.

NOW, THEREFORE, BE IT RESOLVED by the City of Green Bay declares itself a signatory to the Green Tier Charter for Legacy Communities and authorizes the Council President, Mayor, and City Clerk to execute the necessary documents on behalf of the Common Council, and

BE IT FURTHER RESOLVED, that City of Green Bay staff and members of the Sustainability Commission are directed to assist with meeting the Charter goals and to submit an annual report to the Organizational Signatories, and

BE IT FURTHER RESOLVED, that upon adoption, the City Clerk is hereby directed to send a copy of this resolution to the Wisconsin DNR and the Legacy Communities Green Tier Steering Committee.

(Adoption Date)

(SEAL)

(SEAL)

(ATTESTED)



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

MEETING DATE

October 28, 2019

PREPARED BY

AGENDA ITEM # E.I.

The Liquor Violation Report for October 28, 2019.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. Report October 28 2019
2. 19LiqVio