



AGENDA OF THE PROTECTION AND POLICY COMMITTEE

**MONDAY, DECEMBER 9, 2019, 5:30 PM
CITY HALL, ROOM 207**

A. Roll Call.

B. Approval of the Agenda.

- I. Approval of the agenda for the December 9, 2019 Protection & Policy Committee meeting.

C. Approval of Minutes.

- I. Approval of the minutes of the November 25, 2019 Protection & Policy meeting.

D. Regular Business.

- I. Consideration with possible action on a request by Harp & Eagle LTD (St. Brendan's Inn) at 234 S. Washington St. to temporarily extend their licensed premises to their parking lot on March 14 10 a.m. to 3 p.m., March 15 noon to 4 p.m. and March 17 11 a.m. to 9 p.m. for St. Patrick's Day events.
2. Consideration with possible action on General Ordinance No. 24-19, an ordinance which would create an outright ban on coal-tar sealants, utilizing model legislation provided by advocacy groups, previously discussed at the May 8 Sustainability Commission meeting and the May 21 Common Council meeting.
3. Consideration with possible action on a resolution advocating for a state-wide ban on coal-tar sealants, which would be sent to the Wisconsin State Legislature, previously discussed at the May 8 Sustainability Commission meeting and the May 21 Common Council meeting.

E. Informational.

- I. The Liquor Violation Report for December 9, 2019.
2. Report from the Water Utility Department regarding the lead pipe removal project.

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

December 9, 2019

PREPARED BY

AGENDA ITEM # D.I.

Consideration with possible action on a request by Harp & Eagle LTD (St. Brendan's Inn) at 234 S. Washington St. to temporarily extend their licensed premises to their parking lot on March 14 10 a.m. to 3 p.m., March 15 noon to 4 p.m. and March 17 11 a.m. to 9 p.m. for St. Patrick's Day events.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. st.brendan's



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

MEETING DATE

December 9, 2019

PREPARED BY

AGENDA ITEM # D.2.

Consideration with possible action on General Ordinance No. 24-19, an ordinance which would create an outright ban on coal-tar sealants, utilizing model legislation provided by advocacy groups, previously discussed at the May 8 Sustainability Commission meeting and the May 21 Common Council meeting.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. DRAFT GO 24-19 - Coal Tar Sealants Regulation Ordinance

GENERAL ORDINANCE NO. 24-19

**AN ORDINANCE CREATING CHAPTER 35,
GREEN BAY MUNICIPAL CODE,
RELATING TO COAL TAR SEALANT PRODUCTS**

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

SECTION 1. Chapter 35, Green Bay Municipal Code, is hereby created to read:

Sec. 35.01. Coal Tar Sealant Products.

(1) Definitions.

- (a) *Coal Tar.* A byproduct of the process used to refine coal. Coal tar contains high levels of polycyclic aromatic hydrocarbons (PAHs).
- (b) *Coal Tar Sealant Product.* A pavement sealant product that contains coal tar, coal tar pitch, coal tar pitch volatiles, RT-12, Refined Tar, or any variation assigned the Chemical Abstracts Service (CAS) numbers 65996-92-1, 65996-93-2, 65996-89-6, or 8007-45-2, or related substances.
- (c) *Director.* The Director of the Department of Public Works.
- (d) *High-PAH Sealant Product.* Any pavement sealant product that contains greater than 0.1% polycyclic aromatic hydrocarbons (PAHs) by weight, including, but not limited to, coal tar sealant products and sealant products containing steam-cracked petroleum residues, steam-cracked asphalt, pyrolysis fuel oil, heavy fuel oil, ethylene tar, or any variation of those substances assigned the chemical abstracts service number 64742-90-1, 69013-21-4 or related substances.
- (e) *Pavement Sealant Product.* Any substance that is typically applied on paved surfaces to protect the surfaces. This may include but is not limited to sealant products that are coal tar- or asphalt-based.
- (f) *Person.* Any person, firm, partnership, association, corporation, company, or organization of any kind.
- (g) *Polycyclic Aromatic Hydrocarbons (PAHs).* A group of organic chemicals that are formed during the incomplete combustion of coal, oil, gas, or other organic substances, are present at high levels in coal tar, and are known to be harmful to humans, fish, and other aquatic life.

(2) Regulation of the Application and Sale of Coal Tar or Other High-PAH Sealant Products. Except as otherwise provided in this section,

- (a) No person shall apply any coal tar sealant product or high-PAH sealant product within the City.
- (b) No person shall sell, offer to sell, or display for sale any coal tar sealant product or high-PAH sealant product within the City.

- (c) No person shall allow a coal tar sealant product or other high-PAH sealant product to be applied upon property within the City that is under that person's ownership or control.
 - (d) No person shall contract with any commercial applicator, residential or commercial developer, or any other person for the application of any coal tar sealant product or high-PAH sealant product to any driveway, parking lot, or other surface within the City.
 - (e) No commercial applicator, residential or commercial developer, or other similar individual or organization shall direct any employee, independent contractor, volunteer, or other person to apply any coal tar sealant product or high-PAH sealant product to any driveway, parking lot, or other surface within the City.
- (3) *Exemptions.* The Director may exempt a person from a requirement of this section if the Director determines that the person is conducting bona fide research concerning the effects of a coal tar sealant product or high-PAH sealant product on the environment; the use of the coal tar product or high-PAH sealant product is required for said research; and the Director determines that said research will not cause significant contamination of the surrounding environment, including soils and aquatic ecosystems, and will not unduly endanger human health.
- (4) *Enforcement and Penalty.*
- (a) The provisions of this ordinance shall be enforced by the Director of the Department of Public Works, or his or her designee.
 - (b) Any person who violates this section by applying a coal tar sealant product or high-PAH sealant product at his or her residence shall be subject to a forfeiture of not more than \$500.00. Each day of violation shall constitute a separate offense.
 - (c) Any commercial sealant product applicator, residential or commercial developer, industrial or commercial owner, or any other person, other than a person identified under subsection (b) above, who violates this section shall be subject to a forfeiture of not less than \$1,000 nor more than \$10,000. Each day of violation shall constitute a separate offense.

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

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

Dated at Green Bay, Wisconsin, this _____ day of _____, 2019.

APPROVED:

Mayor

ATTEST:

Clerk

LJM

12/17/19



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

MEETING DATE

December 9, 2019

PREPARED BY

AGENDA ITEM # D.3.

Consideration with possible action on a resolution advocating for a state-wide ban on coal-tar sealants, which would be sent to the Wisconsin State Legislature, previously discussed at the May 8 Sustainability Commission meeting and the May 21 Common Council meeting.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. Resolution - Supporting State Legislation Regulating Coal Tar Sealant Products

**Resolution In Support Of State Legislation Regulating The Application And Sale Of
Coal Tar And Other High-Pah Sealant Products**

December 17, 2019

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

WHEREAS, the City of Green Bay finds that its water resources are natural assets which enhance the environmental, recreational, cultural, and economic resources of the area and contribute to the general health and welfare of the public; and

WHEREAS, the City of Green Bay finds that polycyclic aromatic hydrocarbons (hereinafter, "PAHs"), which are contained in coal tar sealants and other high-PAH sealants, volatilize off of sealed pavement and can be inhaled by humans and animals; and

WHEREAS, when sealed surfaces are eroded by weathering, foot and vehicle traffic, and snow plowing, PAH-contaminated particles are transported into homes and onto nearby soils and can be carried by storm water and other runoff into the City of Green Bay's water resources; and

WHEREAS, PAHs are an environmental concern because they are toxic to aquatic life, causing deformities and other reproductive and developmental problems, cancer, and death, which result in fewer organisms and even the loss of species; and

WHEREAS, according to the International Agency for Research on Cancer, PAH compounds have been proven to cause cancer, mutations, and birth defects in humans, and studies show that individuals with lifelong exposure to coal tar-sealed surfaces have a 38-fold higher risk of cancer; and

WHEREAS, the American Medical Association has adopted a policy advocating for legislation to either ban the use of pavement sealants that contain PAHs or require that sealant products used contain minimal PAHs; and

WHEREAS, environmental impacts and human health risks can be minimized, and pavements can be maintained, by utilizing alternative products or methods without PAHs; and

WHEREAS, other states, as well as other counties and municipalities in the State of Wisconsin, have passed legislation banning the use of coal tar and other high-PAH sealants; and

WHEREAS, the City of Green Bay finds that regulating the sale and application of coal tar and other high-PAH sealant products will reduce the amount of PAH-based contaminants entering the City's water resources and will correspondingly improve and protect the public health and water quality of the City and neighboring municipalities;

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Green Bay urges the Governor and state legislature to enact legislation banning the sale and application of coal tar and other high-PAH sealants within the State of Wisconsin.

Adopted _____

Approved _____

Mayor

Clerk

LJM



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

MEETING DATE

December 9, 2019

PREPARED BY

AGENDA ITEM # E.I.

The Liquor Violation Report for December 9, 2019.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. 19LiqVio
2. Report December 9 2019



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

MEETING DATE

December 9, 2019

PREPARED BY

AGENDA ITEM # E.2.

Report from the Water Utility Department regarding the lead pipe removal project.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. lead overview updated 11 30 19

Getting the Lead Out



Green Bay Water Utility progress in removing lead services – *as of Nov. 30, 2019*

1. Public side (utility-owned) lead services

Dec. 31, 2017	959
Dec. 31, 2018	619
Jan. 31, 2019	563
Feb. 28, 2019	538
March 30, 2019	521
April 30, 2019	484
May 31, 2019	460
June 30, 2019	414
July 31, 2019	382
Aug. 31, 2019	328
Sept. 30, 2019	312
Oct. 31, 2019	304
Nov. 30, 2019	300
Dec. 31, 2020	Goal: 0

2. Private side (property owner-owned) lead services

Dec. 31, 2017	67 remain to be replaced
Dec. 31, 2018	17 remain to be replaced
Jan. 31, 2019	16 remain to be replaced
Feb. 28, 2019	17 remain to be replaced
March 30, 2019	16 remain to be replaced
April 30, 2019	16 remain to be replaced
May 31, 2019	22 remain to be replaced
June 30, 2019	22 remain to be replaced
July 31, 2019	21 remain to be replaced
Aug. 31, 2019	20 remain to be replaced
Sept. 30, 2019	19 remain to be replaced
Oct. 31, 2019	16 remain to be replaced
Nov. 30, 2019	15 remain to be replaced
Dec. 31, 2020	Goal: 0

Getting the Lead Out



- Since starting the program, we identified 238 private properties as having lead service
 - These are being paid from funds we obtained from:
 - Initial DNR Safe Drinking Water funding of \$500,000;
 - Lambeau Field excess sales tax monies of \$300,000;
 - Additional DNR Safe Drinking Water funding of \$300,000 approved in December 2017
 - 223 of these replacements are complete; 15 remain to be replaced
 - We have homeowner agreements for 3 of the 15 (they are waiting to be replaced)
 - There were two additional properties found to have lead in November
- We have about 5 properties in the City for which we do not know the service material
 - We are making efforts to enter these properties to determine service material; in the past, one to two percent of all properties built before 1950 in the city have a lead service.