



MINUTES OF THE PROTECTION AND POLICY COMMITTEE

**MONDAY, JANUARY 27, 2020, 5:30 PM
CITY HALL, ROOM 207**

A. ROLL CALL.

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

Also Present: Lt. Steve Mahoney, Assistant City Attorney Lindsay Mather, Deputy City Attorney Joanne Bungert, Ald. Barbara Dorff, Ald. Kathy Lefebvre, Chief of Staff Celestine Jeffreys, Housing & Zoning Enforcement Coordinator Bill Pappe, Assistant Development Director Cheryl Renier-Wigg, Chief Building Official Paul Van Calster

B. APPROVAL OF THE AGENDA.

I. Approval of the agenda from the January 27, 2020 Protection & Policy meeting.

Moved by John VanderLeest, seconded by Craig Stevens to approve the agenda for the January 27, 2020 Protection & Policy meeting. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell

C. APPROVAL OF MINUTES.

I. Approval of the minutes for the January 6, 2020 Protection & Policy meeting.

Moved by Mark Steuer, seconded by John VanderLeest to approve the minutes from the January 6, 2020 Protection & Policy meeting. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell

D. REGULAR BUSINESS.

1. Consideration with possible action on a change of agent by Walgreen Co. at 1401 E. Mason St.

Moved by Mark Steuer, seconded by Craig Stevens to approve the change of agent by Walgreen Co. at 1401 E. Mason St. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell

2. Consideration with possible action on an application for a "Class B" Liquor and Class "B" Beer license at Centro Botanero La Carreta, LLC at 1657 Main St. with a licensed premises description as: "restaurant, dining area, storage cooler, office room next to kitchen, bar," (currently licensed as Taco Burrito Mexico of Green Bay, LLC).

Moved by Craig Stevens, seconded by John VanderLeest to approve an application for a "Class B" Liquor and Class "B" Beer license at Centro Botanero La Carreta, LLC at 1657 Main St. with a licensed premises description as: "restaurant, dining area, storage cooler, office room next to kitchen, bar," with the approval of the proper authorities. (Currently licensed as Taco Burrito Mexico of Green Bay, LLC). Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell

3. Consideration with possible action on an application for a "Class A" Liquor and Class "A" Beer license for Kwik Trip, Inc. at 3525 Humboldt Rd. with a licensed premises description as "1 story frame construction-storage in walk-in cooler, on sales flr and behind sales counter."

Moved by Craig Stevens, seconded by Mark Steuer to approve an application for a "Class A" Liquor and Class "A" Beer license for Kwik Trip, Inc. at 3525 Humboldt Rd. with a licensed premises description as "1 story frame construction-storage in walk-in cooler, on sales flr and behind sales counter," with the approval of the proper authorities. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell

4. Consideration with possible action on an application for a "Class A" Liquor License for Antonio Soto at 1615 University Ave. with a licensed premises description as "beer sold grocery store, store in beverage/beer fridge extra beer in upper storage on main level."

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

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell

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

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell

Moved by Craig Stevens, seconded by John VanderLeest to hold for 30 days an application for a "Class A" Liquor license for Antonio Soto at 1615 University Ave. with a licensed premises description as "beer sold grocery store, store in beverage/beer fridge extra beer in upper storage on main level." Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell

5. Consideration with possible action on the request by Ald. Wery the appeal by Bob Koury, 302 Oak Street, to rescind the re-inspection fees on his property, referred from the January 14, 2020 Common Council meeting.

Moved by Ald. Mark Steuer, seconded by Ald. Craig Stevento deny a request by Ald. Wery the appeal by Bob Koury, 302 Oak Street, to rescind the re-inspection fees on his property, referred from the January 14, 2020 Common Council meeting. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell

6. Consideration with possible action on a request by Ald. Lefebvre to request committee to look at the issuing a sidewalk cafe permit to Titledown Tobacco per section 6.155 Green Bay Municipal Code-(1) Definitions: (a) sidewalk cafe any group of tables, chairs, benches, or partitions maintained within the public right-of-way for use directly in front of an establishment with a valid restaurant license.

Moved by Randy Scannell, seconded by Ald. John VanderLeest to refer to the Improvement & Services Committee a request by Ald. Lefebvre to request committee to look at the issuing a sidewalk cafe permit to Titledown Tobacco per section 6.155 Green Bay Municipal Code-(1) Definitions: (a) sidewalk cafe any group of tables, chairs, benches, or partitions maintained within the public right-of-way for use directly in front of an establishment with a valid restaurant license. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell

7. Consideration with possible action on a request by Ald. Steuer stating: further discussion is needed on the anti-litter ordinance Sec. 8.12 as far as implementation and citations with respect to newspaper ad flyers that are scattered about.

Moved by Mark Steuer, seconded by Craig Stevens to open the floor for discussion. Motion carried.
Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell

Roger Miller, 227 S. Van Buren, spoke on the Item and presented the committee with photos.



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

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell

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

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell

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

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell

Moved by Mark Steuer, seconded by John VanderLeest to refer to staff with recommendations for an ordinance considering first amendment rights a request by Ald. Steuer stating: further discussion is needed on the anti-litter ordinance Sec. 8.12 as far as implementation and citations with respect to newspaper ad flyers that are scattered about. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell

8. Consideration with possible action on General Ordinance 01-20, an ordinance to repeal and recreate chapter 17, GBMC, relating to electrical code.

Moved by John VanderLeest, seconded by Craig Stevens to approve General Ordinance 01-20, an ordinance to repeal and recreate chapter 17, GBMC, relating to electrical code. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell

E. INFORMATIONAL.

I. The Liquor Violation Report for January 27, 2020.

Moved by Mark Steuer, seconded by Craig Stevens to receive and place on file the Liquor Violation Report for January 27, 2020. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell

F. ADJOURNMENT.

Moved by Mark Steuer, seconded by John VanderLeest to adjourn at 6:43 p.m. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell

VERBATIM MINUTES

- All right. You're good to go.
- We are set to go. Okay, hear ye, hear ye, hear ye. The Protection and Policy meeting for January--
- 27th.
- 27th. Get on the right agenda. Is now in session. We will begin with our roll call. Is Alder Steuer present?
- Present.
- Is Alder Stevens present?

- Present.
- Is Alder VanderLeest present?
- Present.
- Is Alder Scannell present? I think so. Let us go.
- Actually, you are not. But I can--
- Now that's funny.
- You're joined, but you're not present in voting. But I can fix that here.
- You're not present in voting?
- Okay.
- Oh.
- And one second. Let me double check.
- I've been disenfranchised.
- Yes. I inserted the snippet for roll call and you didn't appear, so that triggered--
- I'm a ghost.
- You are now in.
- I'm a ghost vote.
- We're good to go.
- Thank you, thank you. I appreciate that.
- Mmhmm.
- I'll take a motion to approve our agenda for January 27th, 2020.
- Motion approved.
- Motion to approve by Alder VanderLeest. Second by Alder Stevens. All in favor?
- Aye.
- Opposed? We have an agenda. I'll take a motion to approve our minutes from January 6th, 2020 Protection and Policy Meeting.
- Sole.
- Sole for Alder Steuer. Seconded by Alder VanderLeest. All in favor?

- Aye.
- Opposed? Our minutes from our last meeting are approved. We're on to regular business.
- Okay, you're set.
- We are on to regular business. Consideration with possible action on a change of agent by Walgreen Co., at 1401 East Mason Street. Staff?
- Law Department has no objections.
- [Steve] Police concur.
- Motion approved.
- Motion to approve by Alder Steuer.
- Seconded.
- Seconded by Alder Stevens. All in favor?
- Aye.
- Opposed?
- That passes unanimously. And before I go any further, I need to state that what we do here at Committee is just a recommendation to the full council which meets next Tuesday, six o'clock in the room right next door. So if you don't like our decisions, you can always take it up there. So.
- Is our meeting next Tuesday?
- Next Tuesday, yep. Six o'clock.
- Just one, then.
- Yeah, number two, right, we're on. Consideration with possible action on an application for a Class B liquor and Class B beer license at Centro Botan, oh, I should have brought my glasses. Botanero La Carreta, LLC, at 1657 Main Street with a licensed premises description as "restaurant, dining area, storage cooler, "office room next to kitchen bar, currently licensed "as Taco Burrito Mexico of Green Bay, LLC." Staff?
- Law Department has no objections.
- [Steve] Police concur.
- Motion to approve.
- Motion to approve by Alder Stevens.
- Second.
- Seconded by Alder VanderLeest. All in favor?
- Aye.

- Opposed? That passes unanimously.
- Number three.
- Number three. Okay, worry about this later. Consideration with possible action on an application for a Class A liquor and Class A beer license for Kwik Trip, Inc., at 3525 Humboldt Road with a licensed premises description as "one-story frame construction, "storage in walk-in cooler, "on sales--"
- Floor.
- Oh, floor. "Floor and behind sales counter." Staff?
- Law department has no objections.
- [Steve] Police concur.
- Motion to approve.
- Motion to approve by Alder Stevens.
- Second.
- Seconded by Alder Steuer. All in favor?
- Aye.
- Opposed? That passes unanimously.
- Number four.
- Number four. Consideration with possible action on an application for a Class A liquor license for Antonio Soto at 1615 University Avenue with a licensed premises description as "beer sold grocery store, "store in beverage, beer fridge, "extra beer in upper storage "on main level." Staff?
- Yes, so, this location currently holds a class B license for the restaurant portion, which is allowable under state statutes so long as the Class B and the Class A premise are separate. And that is not the case currently. The basement on the Class B premise is listed on the Class B license and you have to go through the Class A premise, so the store part, to get to the basement. This has been brought to the applicant's attention and that the way to fix it would be to essentially remove the basement from the premise description on the Class B. And they have indicated that they do not wish to do that. Accordingly, staff's recommendation is to deny at this point because it would violate a statutory provision of Chapter 125. Just a note that if the committee does deny the application, we just need to have the reasoning stated for the record. And that would be to deny based on the fact that it does not conform with statutory requirements, specifically Statute 125.51, sub 8, Connecting Premises.
- That was 125?
- 125.51, sub 8.
- Okay.
- [Steve] We concur with the denial based on the violation.

- Okay, is anybody here for this?
- We are.
- Okay.
- Motion to open the floor.
- Motion to open the floor by Alder Steuer. Seconded by Alder VanderLeest.
- Now Kathy came first.
- Let them speak first.
- She can talk at any time. So. We got a motion for the floor, let's open the floor. She can still talk before.
- Oh, I know, I know that.
- Okay. All in favor?
- Aye.
- Oppose it? The floor is now open. Did you want to say something to begin with, Alder Lefebvre, or?
- I will let them speak first.
- You would please come up, state your name and address. Yep.
- I am here with my father just 'cause his English is not so good. He is Antonio Soto. So with this building, that is my brother, also Antonio Soto, Jr. The add-on, which is the grocery store, which is where we are applying for the liquor license, that is an add-on to the existing building, which is the restaurant. The restaurant does have a basement to it. Now when the new construction happened, that got added on and you do indeed need to go through that door to go down to the basement. But there's no other entry, there's no other door to separate the restaurant and the store basement. Initially, that basement has always belonged to the restaurant, and that storage where the beer was stored down there. Now I know that if we had said that if we removed the basement from the restaurant license and put it onto the new addition, then I guess that would cause the same altercation as to which we can't have any liquor stored. So it's either for one business or the other. Do I make a little sense?
- I think I follow. So, we're in a catch-22. There's no way they can solve this unless you--
- They would be able to store alcohol in the basement. So the problem is that the basement is part of the Class B and it would be connected to a Class A.
- Class A, yep.
- The way that the statute reads, the Class A and Class B have to be wholly separate. So if they remove the B, or, removed the basement and included it as part of the A, that would be fine. Because then the A is connected to the same space. Because the B, the restaurant portion, isn't connected to the basement. So the A would be, the A premise would be sitting underneath the B premise, but they would be wholly separate, so that would be fine. The problem is that the basement is part of the license for the Class B.

- For the restaurant.
- And it would be connected to the Class A.
- The store. So it's a restaurant store. Make it easier.
- Correct.
- 'Kay. So. There's no way to get, in the restaurant, there's no way to get to the basement from the restaurant?
- No.
- 'Kay. So. But according to her, if they changed it, if they took it off the restaurant, and made it part of the grocery, but then that creates another problem.
- For the restaurant.
- I understand logistically for storage purposes, they wouldn't be able to store the alcohol for the Class B in that basement but unfortunately, with the way that the schematics of the premise and the location is, that would be the only workaround.
- I s'pose, I s'pose putting a, some kind of entry from the restaurant to the basement would be prohibitive.
- Yes.
- The only way we'd be able to do that is if we did more construction and have a door in the dining room.
- In the dining room.
- Yeah.
- Do you have any pictures?
- We have floor plans, if that helps. That's what we brought.
- Floor plans. Are they part of the-- I think there is a floor plan on the--
- Pictures, too.
- Uh. Well. This sucks.
- We really can't, you really can't go against state law. You can't. No matter how much we wanna, sometimes the way the law is written, it gives us a little wiggle room, and you can try to, you know. But as far as I can tell-
-
- I can read the statute. Into its connecting premises. Except in the cases of hotels, no person may hold both a Class A license and either a Class B or Class C for the same premise or for connecting premises.
- What's the purpose of that?
- I'm not sure.
- Who cares? I can't understand why this matters, but--

- So the only exception is for hotels.
- For hotels?
- Like a gift store, where they sell alcohol and then also have a dining area where they sell for on premise consumption.
- So as they walk in the restaurant, the fact is that you have to cross one to get to the other.
- You have to cross from one license premise, 'cause they're supposed to be wholly separate.
- Right.
- The Class A versus the Class B. So you have to cross from one license premise and you're crossing into another license premise.
- They're going from the store to the restaurant basement.
- To the restaurant basement.
- And they need the restaurant basement to store the restaurant alcohol.
- Correct, 'cause upstairs, and the employees are, I mean, it's out in the open and we can't lock it up after hours.
- If I could just ask her this. Have you talked to any construction people about rectifying it? That you could make a separate entrance? You thought about that?
- Well, as far as , there's-- Another way to the basement would be, we actually haven't looked into that, but I don't--
- It might be wise to look into it.
- Because--
- Then you could solve the problem quite easily. It might not be so expensive if you talk to a contractor. Or they could separate it. But I would definitely work with the Inspection Department first, talk to the Inspection Department and ask them exactly what you have to have as far as if you do put another entranceway in, that you'd be legal, that you don't spend a bunch of money without having the city okay it.
- Okay, yes, 'cause I know the building inspectors and everybody came and everybody approved that and the floor plans before starting, so I'm not sure.
- But I'd tell you that for a specific issue as far as--
- A license for the A and the B, it happens both separate.
- They won't be reviewing for licensing purposes or for premise description purposes, they'll be approving for code .
- Now as far as storing alcohol in the basement for the restaurant, if that entrance was locked up during the store hours, and then only used during the restaurant hours or after hours, to stock with that?

- You're still crossing from one license premise into another premise, that's the problem.
- 95% of the time we can trust an employee but there's always that little chance.
- Could they possibly get Class A licenses for both? So that they are under the same license?
- No, so a Class A allows for off premise consumption. So if you think of a grocery store or convenience stores. So you purchase sealed bottles of alcohol or beer for consumption at home or someplace else. Class B allows you on premise consumption. So that's ordering a glass of beer at a restaurant--
- So there is no overarching--
- No, they're two separate types of--
- No matter what you do.
- Class B goes toward the quota of Class A. It does not go towards the quota. There's different requirements for Class B's and Class A's.
- Sure. I think, well, let's check with staff. If we gave them, if we could hold this for--
- We can hold it for however long.
- 60 days, 90 days?
- There's no quota issue because it's a Class A, so.
- 'Kay, well, the 90, anything else?
- Whatever--
- So if we switch the basement to the Class A license being a store, and then the restaurant side stays as Class B, if we provide a storage room within, I guess, do what we can to provide a storage room for the beer in the restaurant side, then it would be fine, correct?
- Si.
- Yes.
- Yes.
- That would work.
- If we could hold this item for a month, two months, three months, whatever you think you might need to try and come back to us with a solution--
- Okay, a month is good.
- A month? Okay.
- 30 days. Pardon?

- 30 days.
- 30 days?
- Okay.
- 'Kay. Yeah, we will work with you. But we do have to follow state law.
- Yup, and okay, yup, make sure whatever plans you got, you run it through Inspection and Legal, 'cause sometimes there's, you know .
- Okay, great, thank you.
- Yup. Yeah, just one thing. Alder Lefebvre?
- I know we have a state law, if they change things and it meets everything, that you can't just deny them, but I'm here because on University Avenue, come on, within two miles we have, Festival now sells alcohol, we have two other grocery, we've got three gas stations, I think, that sell beer. We have another establishment sells alcohol, we have, I think, three bars that sell alcohol, or consume it, within two miles.
- So you don't--
- And we got, on both sides, we have residential. And I really kind of, I don't want to be against business and everything, but I don't like the idea of a grocery store now selling liquor. We're getting more and more alcohol in our community and you know we have a problem with drunk driving. And I would like to see something where, in an area that we can control the amount that is in a certain area. I think we're getting overkill. We're getting overkill.
- Well, there is a moratorium over it. But the problem we have, we've discussed this in the past, and once the genie's out of the bottle, how fair is it to other business, I don't even know if we're setting ourselves up for a lawsuit. We need some kind of justification other than--
- There are reasons for health and safety and community but those have to be fairly clearly articulated.
- Right, so, I mean, it--
- I would like something looked into that. Because, like I said, we're getting really saturated in that two miles. It might even be less than two miles. It's just become--
- It's all over--
- Oh, I know, other areas too, but, yeah.
- But, you know, like I said, once the genie was let out of the bottle, we've struggled with this in the past. And it's not something I feel--
- I just wanted to voice my feelings on it. I just wanted to let you know that I'm concerned, okay?
- Okay. Thank you.
- Motion to close the floor. By Alder Stevens.
- Second.

- Second by Alder Steuer. All in favor?
- Aye.
- Opposed? The floor's now closed.
- I make a motion to hold this for 30 days.
- Motion to hold for 30 days by Alder Stevens.
- Second.
- Seconded by Alder VanderLeest. Any further discussion? All in favor?
- Aye.
- Opposed? 'Kay. That passes. 30 days, please come back to us, good luck.
- [Ms. Soto] Great, thank you.
- Let me get back to the agenda. Consideration with possible action on a request by Alder Wery the appeal by Bob Koury, 302 Oak Street, to rescind the re-inspection fees on his property, referred from the January 14, 2020 Common Council meeting. Staff?
- I didn't get it in the packet for you guys. Two page summary.
- Thank you.
- Yup. So what this one is, is just basically a simple illegal driveway expansion. They've put down gravel as you can see in that first picture down on the bottom and widened their driveway. That started back in March of 2019. So we did four re-inspections to get compliance and at the very, I'm going quickly, but at the very end, on the 28th he actually stopped in, the owner stopped in and talked to me. I let him know that he has to restore it back to what it was 'cause gravel's not allowed. It has to be either asphalt or concrete surface. And he went out and had it fixed by the 1st of July. So three days later it was done.
- So he's in compliant.
- Right. He was saying that he thought the tenant was gonna do some stuff, and then bring it into compliance. I said, "That's your responsibility, "you own it. "It's your property, you have to do this "and get it restored."
- Uh. Well, that's another conversation. I wonder if there's other ways we can figure besides--
- So the pictures just show the status when they went out and did the re-inspections. It was gravel, super wide, as you can see. It was still gravel when they went out again. And then the last picture shows that he actually put down dirt, over-seeded it, and sowed back the grass.
- I'm gonna ask, so there's four \$50 fees, right?
- Yep, 200 bucks.
- Right, so, you said they contacted you after that? Or was there any communication before that?

- There was one in the very beginning, again, I put all the details in here. In the very beginning, he said he was going to pull a permit. And he never pulled a permit to do a legal widening. So then it sat, so we did some more inspections, and then it came down to where he came to the office and asked. There was a point in there, too, where the tenant was gonna do some mulch, or do something, and we basically said that usually ends up for driving on instead of being mulch and plants. So it had to go back to rights.

- Does the owner live in town?

- He's here, I believe.

- All right, I'd like to hear from him too.

- Yup, yup. And so you feel that even though he's in compliance now that \$200 is something that should, staff is standing by. Any questions on that? 'Kay. Well, thank you. Motion to open the floor.

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

- Motion open the floor by, oh.

- [Man] He's not here.

- You're not here.

- [Man] Okay. Well. So.

- Is the Alder here?

- No. Alder Wery is not here either.

- I make a motion to allow this to continue. I mean, to rescind the inspection fees, I would say no.

- Motion to deny.

- Motion to deny.

- Second.

- Motion to deny the appeal by Alder Steuer, seconded by Alder Stevens. Any further discussion? All in favor?

- Aye.

- Opposed? 'Kay, then, unanimously, we'll see what happens. Are we still gonna have a talk about other materials that could be used, maybe, for--

- [Cheryl] Oh, for driveways? I think we need to talk about that for impervious surfaces and things that we could do--

- Yeah.

- [Cheryl] Gravel really isn't impervious.

- Right. I know, I know. I gravel. To your wisdom. Okay. Thank you very much. Are we ready for?

- We are ready for six.
- Item 6th. Consideration with possible action on a request by Alder Lefebvre to request committee to look at the issuing a sidewalk cafe permit to Titledown Tobacco per section 6.155 Green Bay Municipal Code, sub section one, definitions. A, a sidewalk cafe any group of tables, chairs, benches, or partitions maintained within the public right-of-way for use directly in front of an establishment with a valid restaurant license. Staff.
- Staff's recommendation would be to actually refer this for renewed action to INS. The Department of Public Works is the department that issues the cafe sidewalk permits. P&P, once that permit is issued, because you're placing items within the public right-of-way, that's Department of Public Works domain. Once that permit is issued, then the licensee comes before P&P to amend their liquor license to include the sidewalk space where they can serve alcohol. So that is only within P&P's purview, as far as the permit itself and ratification of said permit, that would be within the purview of INS.
- 'Kay. The reason why we just didn't put this on an INS--
- The way that our communication process is situated is if the Alder chooses and we're looking into options of amending that to make it a little bit, but if the Alder chooses a particular committee that's where the item goes and staff doesn't have the ability of being able to put it on--
- Maybe stop mentioning committees and just put in the communication.
- When it comes up, something like that may be, they should contact me and say--
- Or we could lean on the staff.
- Yeah. Just don't put a committee on it.
- Internally, we've been talking about making some changes in that process and bringing that to council to give staff a little bit more authority just for efficiency purposes, being able to send it to the right area, correct.
- I agree.
- Can I still speak on it or not? 'Cause it is on the agenda, right?
- Huh?
- I can still speak on it, it's on the agenda, here.
- No, no, no, no. We're not gonna deal with it here if we're not supposed to deal with it here. Sorry, but--
- When is INS, then?
- Well, I would have to--
- Wednesday at five.
- But it can't be put on their agenda that quickly. It'll be the next one. Motion to refer this to INS, please?
- Second.
- Oh, okay, I'll make the motion for the INS, seconded by Alder VanderLeest. All in favor?

- Aye.
- Opposed? Passes unanimously. We punted that one away pretty easily.
- Number seven.
- Number seven. Consideration of the possible action request by Alder Steuer, stating further discussion is needed on the anti-litter ordinance, section 8.12, as far as imple, , implementation and citations with respect to newspaper ad flyers that are scattered about. Let's start with staff on this, perhaps?
- I'm not sure where we want to start, if we want to start from the inspections angle, or if Alder Steuer wanted to start?
- I'll make just a--
- Sure.
- I was contacted on phone by Rob Miller, I believe he's here. And we talked at length about this and I think this is something that we've looked at before. We've dealt with this issue before. I think part of the issue that came up in our conversation was that it's kind of hard to enforce, somewhat. You almost have to catch the person doing it and then there was semantics about, are these people hired by the newspaper or are they contractors, so they have maybe a different set of rules? So there were a couple of cloudy questions there and Mr. Miller did do some research. We're gonna let him speak and, but I'm more or less following on his request and just wanted to bring this forward and see if we could maybe put a little more teeth into what we have.
- 'Kay. But, in that regard, then, I believe he submitted some ordinances and such, Mr. Miller did?
- He submitted some--
- 'Cause I thought I saw those in the packet and then they're not in the packet.
- I actually was not aware that that was supposed to be included in the packet, so I reviewed it, but it did not make it into the packet.
- But I thought I saw it somewhere. I thought I saw it in the packet when I first looked and I didn't really go through it a whole lot and I went to go through it in detail and--
- I didn't see it.
- Mmhmm, I don't know where I saw--
- But I did review it, so I can speak to it. I don't know if we want to hear from Mr. Miller--
- First?
- Yes, I would like--
- I'd like a motion open floor--
- Whoa, whoa, let's see if Inspection has anything they want to add first. Okay.
- [Cheryl] I mean, I think we're in total agreement. We get those newspapers delivered improperly.

- Yep, we've been--

- [Cheryl] I'm just following up with directions from Law with what we're able to do. If there's a better way to do it, we are all ears.

- Yep.

- All right.

- No, I'm all ears.

- Yeah, you are.

- I'll make a motion open floor.

- Motion open floor by Alder Steuer.

- Second.

- Seconded by Alder Stevens. All in favor?

- Aye.

- Oppose? Floor is now open. Please come forward. Yep, state your name and address and also when you get a chance, fill out one of the forms. If the forms are still there, right?

- Sure. Okay.

- Name and address.

- Rob Miller, 227 South Van Buren Street, Green Bay, Wisconsin. And I don't have a prepared speech so this is going to be kind of a stream of consciousness speech but I think it'll be somewhat coherent. Anyway, I agree with showing your wig, and I put the same thing in my letter to the city council and the mayor. If somebody's got a way of controlling this, as opposed to what I've suggested, I'm in favor of it. Any way that we can solve this problem, short of something that runs against the First Amendment, I'm in favor of. So it's gotten to the point where people are just totally exasperated and this began with discussion on Next Door, the NextDoor.com website, as to what it would take to control this and the prescription, quite honestly, just seemed to be outlandish. There's no way, for example, I'll take my own street as an example. On South Van Buren, it's gotta be on the driveway and the public sidewalks, every day, every week, on a Wednesday or Thursday for the last five years. I cannot remember when it's been placed on a porch. And I've certainly a lot of material as has everyone, a member of the city council and the mayor. And nobody delivers who wants something read by the populace, delivers it to the driveway or the public sidewalks. That's preposterous. I had a delivery today and UPS diligently put it on the porch as they always do. As does Federal Express and the Postal Service. So there's a substantial allegation and convincing argument, this is just litter. This is the largest purveyor of litter in the city of Green Bay. And quite honestly, I don't know what happened to my pictures, whom do I have to speak--

- Nope, they're on the--

- They're right there.

- Yeah, I mean, you can see a picture of South Jackson, I think that's the one on the extreme right.

- The extreme right?

- Yeah, the one that's absent, that doesn't have any snow. Yeah, this is all from like a 15 minute walk that I take just about every day. There we have South Jackson and Walnut. And this is what the visitors to our city see. And I'm further told that when we do the cleanup in April, the neighborhood cleanups, people get piles of this stuff because it doesn't degrade, they're in plastic bags. There are people on the Next Door site that have said that it's clogged sewers. One of the damage to personal property issues is that there must have been five to 10 stories that I've heard of people damaging their snowblower. Now if this city is serious about having people clean up their walks from snow within 24 hours, and I think that's a good ordinance, from a safety standpoint, then we can't simultaneously have their snowblowers disabled by this litter. It doesn't make any sense. But the most compelling argument, and I frankly did not know this until last Friday, was the thing that I sent from the Wisconsin State Journal. And I commend this to your attention. It's quoting statistics from the Center for Disease Control. Wisconsin has the highest rate of deadly falls in the country. And we're more than double the national average for deadly falls. Now, why the city of Green Bay, in the light of these statistics, would risk the safety of its population, especially its elderly population, on things that could send them to the hospital, that could send them to death, that could send them to serious injury, why we would let some entity do this is beyond me. Now, some people would argue that it's the First Amendment. I don't know that the First Amendment has, anything in the First Amendment gives somebody a license to increase my chance of tripping or falling or breaking my arm or the like. I'm totally unaware of that and if somebody wants to make me correct my understanding, that would be fine, but I practiced law for a long time. I've never heard of any argument like that. There simply, I don't think it exists. And we just need to do something to protect the safety of our older adults. And I'll be personal about this, my mom is 92 years old and last May, she fell. It happened to be an alleyway and perfectly dry pavement. And she broke her femur, which is the upper part of the leg, the largest bone in the body. And it was a very, very difficult rehabilitation. She had to have surgery and keep off of it for something like four or five weeks or maybe longer than that. And it was a very excruciating recovery process. Now why we would increase the risk of our elderly population suffering that kind of injury or death, is beyond me. So I think there is a very substantial argument for doing something. If it's not the ordinances that I stole from Fremont, California, then somebody else come up with something.

- You borrowed.

- Well, I'll be point blank, I'll be point blank. I want to see something to protect the most vulnerable part of this population. I go out and walk all the time and it's tricky in the best of circumstances, let alone people bearing things, slippery things in the snow. So I think there's an overwhelming case to be made for doing something. And I'm willing to get behind anything that anybody wants to do that'll solve this problem. I mean, I'm not here for personal glory or anything like that. I want something to be done. And there are a lot of people, in fact, maybe they're here tonight, I don't know, I've not met the people that are on the Next Door site, but if the committee gives me a date certain or when we finally come up with a plan, I think people will show up and advocate the position. So, are there any questions from the city council or anybody else?

- Question?

- Well, thanks for coming in, Rob. And I know that you're very passionate about this. And I think a lot of us feel the same way. I don't get many in my neighborhood, but I have driven around the city enough to see them in other areas, so. I think an inspection will speak to this too, I'm sure, but I think one of the issues is that you almost have to catch somebody throwing it to--

- Do you have a question?

- Well, okay, I guess my question is, you have, you got the thing from San Diego, or--

- It's Fremont.

- Fremont, California. Is there anything on that that you feel we could use?

- Yeah, well, let me, the best, I did place the important aspects in the--

- Did you, were you the one who struck out certain parts--

- Yeah.

- Okay, I did see it.

- Okay, let me just summarize the difference in approach, and why I think I can be very succinct and tell you why I think this is gonna work, whereas the current ordinance, very well-meaning, makes a lot of sense in an ordinary circumstance, just won't work here. Because, at least on Van Buren Street, I've never seen the individual distributing, it could be multiple individuals. But my understanding is that it's done by throwing these things out of a car. And that's one of the things that the Fremont ordinance has banned. In this day and age, I don't see that there's any necessity, and I think there's a risk, to having people throwing things out a car, period. There's no reason that we have to have people distributing things by throwing items out of a car and who knows what side of the street they drive on to begin with. And I personally think it's done in the middle of the night. I've never seen it. So, I mean, that's one thing. I don't think there's an overwhelming First Amendment rationale for distributing things out of a car in Green Bay, Wisconsin, especially in the winter. But the driving, and we've heard this, we've had talks about drinking, alcohol consumption, I think we're the leading state in the country as far as bars per capita. We don't need to have any more increase in risk factors among this population. It just doesn't make any sense. So that's one thing. Throwing advertising in public, and then it goes on to basically license the process. If you want to distribute and advertise, and it comes in with a definitional section, so it differentiates between a newspaper that has a regular subscription list and an advertiser, and the newspapers would be exempt, or a magazine. But if it's just an advertiser, and you can read the definitional section, then you have to get a license and the license has to be on the distribution. And the city would be able to control that. And it wasn't drafted in the section that I submitted, but I propose that there should be a fine applicable if they start distributing it to people that don't want it. And what's important here, second most, the second thing, although it's probably primarily, , primary importance, is that if you have a seven inch by seven inch sign saying "No Soliciting" or "No Distribution" on your porch in front of your house, you opt out. That's it. And the contrast with the current situation, and I've got emails from neighbors of mine who have tried five times to opt out, going on the phone, I mean, it's a common discussion on Next Door where people call up multiple times. It stops temporarily and it comes back. And they just can't, we can't get rid of it. So here the city has an opportunity to have real enforcement teeth as to this distribution. In this day and age, where one can distribute things via email or via the Postal Service or any number of ways, there's no crying need for distribution to driveway aprons and public sidewalks. So that's the second thing. One of the other rationale is that, and this is, well, there are a couple of the rationale which this addresses, is that these things tend to pile up in places that are not occupied. So if people go to Florida or wherever during the winter, this is going to continue to accumulate. Ne'er-do-wells are gonna know that there's nobody there, they can rob it, they can vandalize it. This would prohibit, Fremont ordinances would prohibit distribution to an unoccupied dwelling. So, basically, we have the same kind of procedure that we do for anyone else getting a permit or a license from the city. And some sort of fine approach, or penalty approach, would be applicable. And the difference is that we don't have to fine who actually distributed it. It's much like the situation with regard to a landlord. If my tenant starts littering on my property, the city comes after me as the property owner. Although they should also go after the .

- We can work on that next week.

- But that's been the sequence right now. I would say this is pretty analogous, and for Gatehouse Media, which purchased Gannett for \$1.8 billion, to hide behind, and I don't even know who, if it's independent contractor, fine, whoever it is, I don't find that, that's just simply malarkey. I mean, they know who's distributing it, they control how this is being distributed. And they're turning a blind eye or set of blind eyes to what's happening in

Green Bay, Wisconsin. And so much for this hometown newspaper business. They don't give a damn. Very simply, they don't give a damn because it's really destructive of the public in which of Green Bay, Wisconsin, to have this crap lying around. It's that simple. We shouldn't countenance, somebody was saying today, she asked me to use this, this is the largest purveyor of litter in the city of Green Bay. And it's time that we stopped it. Is there anything else that--

- That's all I have.

- Any questions?

- No.

- Okay, no, thank you.

- Okay.

- Thank you, Rob.

- You know, one other thing, I think the committee should, unless there's a better idea, ask the city attorney's office to draft something consistent with the proposed ordinances and a fine provision and come back in a couple weeks. Okay, thank you.

- Anyone else care to speak on this? That's in the public? While we got the floor open?

- Motion to close the floor.

- Motion to close the floor by Alder Stevens.

- Second.

- Seconded by Alder VanLees. Sorry, VanderLeest. Talking too fast. All in favor?

- Aye.

- Opposed? Okay, the floor is now closed. Alder Lefebvre, if you'd like to. And then I think I'll recap how we got we're got. And then I can direct some questions to staff and we'll go from there.

- I have a question. So, are they considered, the ones who are doing, subcontractors? Or are they paid, they're not paid employees, but they're paid through the news--

- They're contractors.

- They're contractors.

- They're contracted employees.

- Contracted employees.

- Employees of the contractors. So they're not direct employees of the subcontractor.

- Okay, that kind of confuses things. But yeah, I agree, yeah, I had people calling me on this and I've seen them too. In fact, I didn't, knocking on doors, I forgot to bring my bag with me, but when I went out and did my fall newsletter, I carried a plastic bag with me. I was finding other garbage too, picking these things up. And I did

notice in some areas, not as many as I used to see, I don't know if the homeowners themselves are finding, just picking them up, throwing them in the garbage. But yeah, they cause a lot of problems, I mean, they're disgusting. But it's something I hope that we can work and get some relief on this, 'cause this is just, no. And also, there's state statutes called littering, so, I don't know.

- Are we-- This is, we take this up in the past. And we pass an ordinance, and it is littering. If any papers are on the sidewalk, the only place they can distribute those is on the porch. Anything else is littering. That's our law right now. The problem is enforcement. And that's something we can either work out with the police, if we can't do something else, maybe we can do some sting operations or something, but we'll come to that after we talk more about what else we can do here.

- Find out where they're really throwing them and then sit there. 'Cause if you throw stuff out your window and they catch you, you got a fine.

- Right. Well, if you catch them throwing it on the sidewalk, they get a fine.

- Yeah. Yep.

- So, I like the idea of including no distributing from cars, but again, I think we're back in the same spot of how you're gonna enforce that. You know, that's gonna be another how do you catch them. But maybe it wouldn't be bad to have it on there anyway. But anyway, so, where the First Amendment issues came up was not with the distribution, in that sense, it came up with, we tried to see if we could just not have these delivered at all. And that was a First Amendment issue. We can't do that. Then it was who could maybe opt out. And we kind of spun our wheels there. We couldn't come up with anything. Do we have anything we could do now where if someone put up non-solicitation, legally, will that work for this ?

- Yeah, it wouldn't be anything the city would be enforcing, it would be between the private property owner and Press-Gazette. So if Press-Gazette's violating it--

- But if we got it on the books, at least that would give the property owner something to--

- Potentially. We have some ideas, but--

- Yeah, if we could do that, that would--

- Yep, staff? Whoever wants.

- [Cheryl] I mean, part of the issue is that, I live in South Jackson, whoever delivers the paper, who does it with their windows open and their radio blaring, it's like three or four o'clock in the morning. So by the time I wake up and try to get outside to get a license plate number, they're long gone. That's part of the issue, is that you have to capture, I have to make a complaint, actually, I have to fill the form out, I have to say, "I witnessed this person littering "with a license number," then you track them down, they get a warning, they do it again, they get a citation. It's the enforcement that's the problem.

- Right. And I'm wondering, and I think we looked at, also, putting it onto the contractor and we got nowhere with that. But if we could do that, that would definitely, if there's something that's changed that we could go after, not the distributor, which is problematical, but the contractor. I know things have changed a little bit now because I know with Uber, they had their, all kinds of things they've had to readjust because of things that these people are now not just contractors. So I don't know if the laws have changed that we could now have some wiggle room to do something, but--

- [Cheryl] We weren't even able to get a list of the people delivering so we could send a notice to them saying, "Stop delivering it here," in case they didn't know. They wouldn't even provide us with the list of people.

- [Man] I've contacted the Press-Gazette numerous times, I've sent them correspondence, worked with Cheryl on it for quite a bit of time issues, like said, it's catching the act, the individual in the act, that is littering, that is causing the--

- So they can deliver, I mean, but litter is anything outside of the porch or the door. Let's say, hanging on the door too. So--

- [Man] These are all great ideas, it's just, it comes down to--

- Well, even if we had an ordinance with a little bit more teeth in it, you still have to catch them.

- Right, and even this ordinance from--

- California?

- Fremont? Is that right? It still requires the permit for the distributor. So even if we, I mean, if the distributor doesn't have a permit, but we can't figure out who the distributor is, then we have, again, a really good ordinance that doesn't have an enforcement mechanism.

- Can we make it that they have to get a permit from the city? Then we would know?

- Well, I mean, that's what the requirement is, that they would have to get a permit. But if they keep distributing it and they haven't gotten a permit, but we can't figure out--

- Oh. They're doing it, I see what you're saying.

- [Man] It all comes down to, who do we cite? Who do we enforce and hold accountable to?

- [Man] May I speak?

- But wouldn't it be the Press-Gazette then?

- Well, see, that's what we couldn't get them before, we couldn't get the Press-Gazette.

- [Cheryl] That was the first route we took. We tried to potentially fine--

- We'll get to you.

- [Cheryl] But I think the law said, "No, you can't go after them "'cause it's a subcontractor."

- 'Cause they're not actually doing the littering.

- [Man] It's their product, but it's not them--

- Depositing it.

- Right, right.

- And so they absolve themselves, somewhat?

- Five years ago, I sat down with two of the Press-Gazette employees that worked, managers, and talked about this out, and they were very cooperative and wanted to, they didn't want people mad at the Press-Gazette and so on, but.

- [Man] Well.

- They didn't.

- [Man] Same thing. I called, I don't know how many numerous times and then just stopped getting a response back. I was told how many times residents called this number, I passed that along to three Aldermen that I could talk to so that they passed it on to their constituents. But as Mr. Miller stated, it just kind of goes on.

- Yeah. Alder Lefebvre?

- Just lost my train of thought.

- Oh.

- Senior moment.

- Yeah. Well, if it comes back, just pipe up, don't even hold your hand, just pipe up as soon as someone gets done. So what are your, do you have any recommendations, or?

- I don't have a concrete recommendation at this time. I do worry about the potential First Amendment implications of doing an ordinance like this. Because it's commercial speech, it's subject to, not the strictest standard, but like an intermediate standard, where the government has to show a, oh, now, oops, trying to do it from memory, now I have to get my sheet out. A substantial government interest that directly advance, in the, whatever regulation we put in place has to directly advance that interest. And in order to prove that we have a substantial interest, the ordinance would actually have to articulate what that is, and it has to be something more than just--

- Litter?

- Litter.

- Public safety?

- It, but we would have to have a specific public safety concern. I'm not saying it's not possible, I have to look into it further, but I hesitate to just say right now, "Yeah, send it to me to draft something," because I haven't done enough research and I do have concerns about the First Amendment implications. Especially because there are also enforcement difficulties that would also go along with the ordinance as well.

- Right. And could we look at possibly ? I know some of this , a contractor could get away with in the past, they can't anymore, if there's any way we could massage somebody that that's happened like with, to, this situation. I don't know what all legally has happened, as far as actual laws changing. But I do know they are held more accountable now in ways that they tried to duck out of by using that contractor argument. I think even Airbnb has had some issues that they've--

- Quick comment.

- Yup.

- I think that the person that's printing that product, they should be held accountable. In other words, the people that they're hiring for distribution, they should be licensed, in other words, they should have a permit just like if you're selling, they should have a permit. And there's no accountability the way it is right now, zero accountability. And Gannett News or whoever owns that distribution, they should have more accountability as far as, it's their paper, they're hiring the people that are distributing it. And there's no accountability, they should have accountability, they should be licensed. It doesn't cost much money to have a license, in other words, they know who the person is. The person that they're gonna be licensed, that's gonna be distributing them. And that way at least you can find out who's doing it in your area and if they're doing a bad job you can just, you can go after them.

- But that's been the problem, is that they're not held accountable. And we can't hold them accountable. We can't. The way the laws are right now, we can't. It makes sense that we should, that makes perfect sense, but legally, we can't. That's the problem. That's the problem. So, yeah.

- Mr. Miller wanted to say something too.

- Yup, yup. I haven't forgotten. But it might help to hear all this other stuff if he wants to add more. But--

- I was thinking, maybe we all should, and people that are complaining about it too, actually go and get one that's not wet and everything. Look at who's advertising and call those advertisers and say, "Hey, this is all garbage. "It just lays here. "Nobody is reading this. "Why are you wasting your money?" And also explain that this is litter. "Why do you want to do this?" I don't think they want bad publicity. Those who are advertising.

- That could be one way to possibly--

- Yes, embarrass them.

- Yep.

- Yeah. So maybe they'll say, "Hey, no, "we don't want to be part of this." I don't know. It's, as a citizen, we can all do that.

- Right.

- Maybe we should.

- Yup.

- And so your recommendation would be that we refer this to staff for you to keep going, okay. Anything else from staff before I open up the floor for Mr. Miller?

- I actually do have one more comment. It was something that he proposed and he'll probably want to respond to my comment.

- Okay.

- I don't think that a fine is something that we would be able to do. Because we would essentially be fining somebody for their speech, and we don't want to get into that business. We don't want to be doing that.

- As far as the contractor.

- Correct.

- We have to go after the distributor.
- Correct.
- Even this Fremont ordinance, the consequence that's tied to a violation is losing the distributor permit. There's no monetary fine attached and I think that that's deliberate. Because you don't want to be the government that is essentially taxing speech 'cause that's kind of what started a war a couple hundred years ago.
- We could look at--
- Well put.
- At other consequences.
- Potentially. And I'm certainly happy to look into it. But I just want to put that out there as well.
- Okay. 'Cause right now, we don't have any other consequences for the contractor. Right. So that's definitely something we want to look at. 'Kay. Motion to open the floor?
- Motion to open the floor.
- By Alder Steuer.
- Second.
- Second by Alder VanderLeest, all in favor?
- Aye.
- Opposed? Hey, we're open if you--
- [Rob] You want me to come up there?
- Yes, you don't have to state your name and address again, I think we got that, but it would be good for you to, smile at the camera.
- Yeah. Well, to respond to the points, I mean, I'm not a First Amendment scholar, but I, the reason, one of the rationale that I cited was the public safety. When you're the state with the highest rate of elderly deaths, double the national average, I don't think, I think that's a sufficient rationale for controlling, and we're not talking about speech, necessarily. If they were talking about speech, it would be on my porch. We're talking about littering. And I distinguish between the First Amendment, who, something that somebody wants to convey to have me hear or look at, and something that somebody wants me to possibly trip over or young kids trip over or damage personal property. With that kind of rationale, people that are out there just creating vandalism would try to defend themselves with free speech defenses. I mean, It's not gonna fly.
- But if I may, it's not so much, I mean, the littering has no defense for free speech. But that's a distributor.
- But you know what, but you know what, I prefer just to look at the authority, if the city attorney has some authority, I'm certainly interested in looking at it, and if she's right, fine, I mean, I'd be the first to concede the point. But it's probably better to actually look at the case law, or whatever, as opposed to offering unsupported opinions at this point, and I would certainly say that that's the category I'm in. But I think that just from the standpoint of common sense, as opposed to citing authority, this city has to be able to safeguard its

population from people who are purposefully going out and endangering its populace. And a defense of free speech just doesn't resonate with me. Because they have no interest in people reading it or they wouldn't put it on the driveway aprons and the sidewalks. Let's see what else. I interpret the Fremont ordinance to actually cover the people that are printing, that are publishing. So I would submit to you that Gatehouse Media should also get a permit. And Gatehouse Media is perfectly capable of paying fines. And I don't have any problem in fining people for littering. I don't know what kind of commercial speech we're regulating when, in fact, they haven't demonstrated any real interest in really communicating with the populace. In any event, the free speech is not unbridled. I mean, each one of us, you people have probably experienced this when you're out campaigning. People will slam the door in your face, they can refuse to talk to you. They can refuse to answer their phone.

- Bringing back bad memories.

- I mean, if this, you can hang up on these robo calls. It's not, there are limits to the idea of free speech and at some point, free speech becomes harassment. And we have no problems in controlling harassment, both by ordinances and statutes in Wisconsin. And I've certainly represented people that were facing criminal charges. So I think it's time, and I'm not speaking as some sort of fount of legal wisdom, okay, I'm willing to have the city attorney look at this, and I'm willing to look at what she comes up with, and vice versa, and as I said, if somebody's got a better idea, that's wonderful. But I don't think we need to be so timid that we have to have people go to the hospital and die. At some point, if it's just having the courage to pass an ordinance to protect this populace, we need to do that. And we need to explore every possible avenue to safeguard this population. I mean, I've fallen out there and probably every one of you has fallen and it's nothing to be dismissed out of hand. It's, as I stated with my mom's recovery, it's deadly, it's extremely serious, it's extremely difficult to come back from that. And we need to do something. And if I'm wrong on the constitutional question, I mean, that's fine. But we need to find, I mean, this is not the only city in the United States. There are places that have obviously solved this problem, and if I can come up with this in 10 minutes, this city's staff can come up with something. And just hiding behind independent contractors, and we can't do this, I find that totally unacceptable. We have to find a solution, and I know that we've dealt, I talked to Alderman Wery, or Alderperson Wery. He said that we visited this five years ago. I talked to council member Scannel on this. It's time that once and for all, this has to resolve itself. Or you're basically engaging in the kind of impotence that is gonna provoke the population. Because when I see the discussions on social media, people are fed up. And they've been pretty docile thus far, they've taken it in good humor, and I don't know that you can ask this populace to take any more of this stuff in good humor. It's time to resolve the problem and go on with the various problems that face the city of Green Bay. Thank you.

- Thank you, Rob.

- Motion to close the floor.

- Motion to close the floor by Alder Steuer.

- Second.

- Second by Alder Stevens. All in favor?

- Aye.

- Opposed? 'Kay.

- I can see, I think one of the issues is like Cheryl mentioned, four in the morning, they're coming by, it's wintertime, it's dark out, no lights on, these people are saying it's a lot safer for me to just throw it out the window than to pull into a driveway or do what have you. I'm just looking at some of those logistics. But I think it is an issue. I think we have to look at it. And I'll feel comfortable if the attorney can look at that and

just see what the First Amendment, just to make sure we're doing it the right way. So I don't know. I don't know what else I can add to that. Will that be a motion that we make?

- Oh, a motion to refer to staff.

- To staff. With the--

- Recommendations.

- With the recommendations--

- Per ordinance.

- Per ordinance. Considering the First Amendment rights. Making sure that, well, that'll be part of--

- Yep, that'll be part of it, yep. Motion? Second it?

- Second it.

- I got a coin. I need the coin. Motion by Alder Steuer, seconded by Alder VanderLeest. I wish he hadn't left so quick, I did want to make a statement that I appreciate his--

- Give him a citation.

- Huh?

- I was gonna give him a citation to the case I looked up.

- Oh.

- Not a ci--

- Not a citation.

- Yeah, yeah, yeah. But I think, I think I appreciate the passion and how upset people are, but we should keep in focus the reality of the situation. No one has fallen on these papers. No one's tripping on them. We have no reports of that. We have litter, we have snowmobiles being messed up, damage to property--

- Snowblowers.

- Snowblowers, sorry, yeah, snowmobiles, snowblowers, thank you, yeah.

- Well, maybe.

- Yeah. So, I mean, this is an issue we want to clean up as much as we can. But we need to stay focused with the reality of what the real issues are and what we can really do about them and I'm hoping we can, then after we come back with recommendations and we work something out, then we need to talk to the police on how we can enforce this. Otherwise, again, we're spinning our wheels.

- I think part of it's not maybe as high of a priority. I know it's a safety issue, but you've got many different issues that you're dealing with. To me, it seems like it's a little further down the list, but that's just my perception.

- Well, one step at a time.
- Yep.
- Anything else from anyone, then? All in favor?
- Aye.
- Opposed? That passes unanimously. Merry Christmas.
- Thank you so much.
- Okay, going over eight.
- Number eight. Consideration with possible action on General Ordinance, z, does that really say zero one?
- I-20.
- Sorry.
- 01-I20, 01 dash 20, an ordinance to repeal and recreate chapter 17, GBMC, relating to electrical code. Staff?
- Yes, they already have--
- Yeah, we got it.
- I can make this real short, real sweet. Basically what we did, when we're acting as agents of the state to do electrical inspections, as part of that process we filled out a new application, sent it into the state. They reviewed our municipal code, electrical code, and found issues with aspects of it that are no longer current with state statutes.
- Current?
- Current.
- Don't do that right now.
- Oh, I didn't catch that right away. So what they did is they redlined our code and said what was in conflict with state statute and then we adjusted it. So basically, most of it is removal of things that were in the code that are no longer valid.
- Things have changed that much in the electrical field?
- Mmhmm.
- Wow.
- Well, last time I think it was, yes.
- You're current, you're current, you gotta get current. Gotta stay current.
- So between this one and the last one, was there appreciable change as far as what you took out? Deep down, no. Come on, Randy. Could you give him a citation? I'm sorry.

- Not really, no. I mean--
- Okay, that's fine. I'm good.
- It's trivial.
- I believe you guys are doing a great job.
- Well, I'm glad you were finally in state compliance. Would that be correct?
- Yes, I can tell you, as part of this in working with the state, I sent this as a draft to the state and they reviewed it and they gave us a conditional approval to continue doing what we're doing 'cause they were incompliant, or not in compliance, but they agreed with provisions to the code.
- Are they using the 2017 national code by now or have they adopted the--
- 2017.
- That's what they're using, right? At this point.
- Yes.
- And in about a year or so they'll be looking at another change.
- Probably.
- The 2020 code.
- You mean we just changed it, we gotta change it again?
- All the time.
- You got arc, just for example, you got arc fault breakers now, you got GFI breakers, there's a lot, in other words, it changes on a pretty quick basis as far as the industry changes. It's like your lighting, with your LED lights versus your fluorescent. There's a lot of changes, in other words, you can put a lot more things on a circuit, 'cause lighting loads are less, so they have to keep abreast of all that. Basically, we're just adopting the Wisconsin state code, and the Wisconsin state code, they deal with the national code. So they work hand in hand. I've been a for quite a few years.
- So you're like, we slimmed it down.
- There you go, good job.
- Less is better.
- Motion to adopt, motion approved.
- Motion approved, Alder VanderLeest approves. Motion approved by Alder VanderLeest. Oh, we won't vote until, second by Alder Stevens, before we vote, Alder Lefebvre?
- I just still want to say again, Mr. VanderLeest, will not come to my house as my electrician anymore.

- Like I said I'm retired now. I just work on properties I own.
- All right, can we approve that, or?
- Yeah, all in favor?
- Aye.
- Opposed? That passes unanimously, thank you very much. Good work.
- Okay.
- And we are onto the Liquor Violation Report.
- Onto the Liquor Violation Report for January 27th, 2020. Staff.
- [Man] There were no citations for the Liquor Violations. for at one of the establishments. Our community police officers went and talked to the owners and the management. The bouncer at the establishment that wasn't forthcoming with us no longer works there and some mechanisms were reinforced and put in place to guarantee the situation doesn't happen again.
- They bounced the bouncer.
- [Man] Yes.
- Excellent. Thank you. Any questions?
- Motion to receive and place in file.
- Motion to receive and place in file by Alder Steuer.
- Second.
- Seconded by Alder Stevens, all in favor?
- Aye.
- Opposed?
- That is received and placed on file. I'll take a motion to adjourn by Alder Steuer.
- Motion to adjourn.
- Second.
- Second by Alder VanderLeest. All in favor?
- Aye.
- Opposed? We are adjourned. Good work, everyone. Thank you.
- See I got us a , maybe at City Council we should bring up that on--