



MINUTES OF THE PROTECTION AND POLICY COMMITTEE

THURSDAY, SEPTEMBER 3, 2020, 5:30 PM
Virtual Meeting. Public may join via Zoom.

A. ZOOM MEETING INFORMATION.

I. This item contains documents which provide call in information and instructions for the Zoom Meeting.

B. ROLL CALL.

Also present: Deputy City Attorney Joanne Bungert, City Attorney Vanessa Chavez, Assistant City Attorney Lindsay Mater, Interim Community & Economic Development Director Cheryl Renier-Wigg, Chief of Staff Celestine Jeffreys, Ald. Lynn Gerlach, Ald. Barbara Dorff, Ald. Brian Johnson, Ald. Chris Wery, Ald. Bill Galvin, Ald. Jesse Brunette

Present: Mark Steuer, Craig Stevens, Kathy Lefebvre, Excused: Alder VanderLeest trying to connect

C. APPROVAL OF THE AGENDA.

Moved by Ald. Craig Stevens, seconded by Ald. Kathy Lefebvre to approve. Motion carried.
Yes- Craig Stevens, Mark Steuer, Kathy Lefebvre, No- None, Abstain- None

Moved by Ald. Kathy Lefebvre, seconded by Ald. Craig Stevens to reconsider the motion to approve the agenda. Motion carried.
Yes- Craig Stevens, Mark Steuer, Kathy Lefebvre, No- None, Abstain- None

Moved by Ald. Kathy Lefebvre, seconded by Ald. Craig Stevens to amend the agenda and take up Item #1 after Item # 3.
Motion carried.
Yes- Craig Stevens, Mark Steuer, Kathy Lefebvre, No- None, Abstain- None

Moved by Ald. Craig Stevens, seconded by Ald. Kathy Lefebvre to approve as amended. Motion carried.

Yes- Craig Stevens, Mark Steuer, Kathy Lefebvre, No- None, Abstain- None

D. APPROVAL OF MINUTES.

I. Approval of the minutes from the August 10, 2020 Protection & Policy Committee meeting.

Moved by Ald. Kathy Lefebvre, seconded by Ald. Craig Stevens to approve. Motion carried.

Yes- Craig Stevens, Mark Steuer, Kathy Lefebvre, No- None, Abstain- None

E. REGULAR BUSINESS.

I. Consideration with possible action on a communication from Alder Dorff to research and create a fair housing ordinance for the City of Green Bay, previously discussed at the July 8, 2019, July 13, 2020, & August 10, 2020 Protection & Policy meetings.

Ald. Craig Stevens left meeting at 6:13 p.m.; quorum was maintained.

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

Yes- John VanderLeest, Mark Steuer, Kathy Lefebvre, No- None, Abstain- None

Moved by Ald. John VanderLeest, seconded by Ald. Kathy Lefebvre to close the floor for discussion. Motion carried.

Yes- John VanderLeest, Mark Steuer, Kathy Lefebvre, No- None, Abstain- None

Ald. Craig Stevens returned to the meeting 7:19 p.m.

Motion to hold a communication from Ald. Barbara Dorff to research and create a fair housing ordinance for the City of Green Bay, previously discussed at the July 8, 2019, July 13, 2020, & August 10, 2020 Protection & Policy meetings and to re-notice this item to read a "a communication from Alder Dorff to research and create a equal rights ordinance for the City of Green Bay," previously discussed at the July 8, 2019, July 13, 2020, & August 10, 2020 Protection & Policy meetings.

2. Consideration with possible action on an appeal by Branden Neidl regarding the denial of his operator's license.

Moved by Ald. Kathy Lefebvre, seconded by Ald. Craig Stevens to open the floor for discussion. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Kathy Lefebvre, No- None, Abstain- None

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

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Kathy Lefebvre, No- None, Abstain- None

Ald. John Vanderleest joined the meeting at 5:48 p.m.

Moved by Ald. John VanderLeest, seconded by Ald. Kathy Lefebvre to approve an appeal by Branden Neidl regarding the denial of his operator's license. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Kathy Lefebvre, No- None, Abstain- None

Moved by Ald. Kathy Lefebvre, seconded by Ald. Craig Stevens to open the floor for discussion. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Kathy Lefebvre, No- None, Abstain- None

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

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Kathy Lefebvre, No- None, Abstain- None

3. Consideration with possible action on an application for an available "Class B" Combination license for Sliced on Main, LLC at 1238 Main St. with licensed premises description as "1800 sq ft building, kitchen, 2 bathrooms, walk-in cooler, large bar room, small patio." (Previously licensed as Main St. Dreams during the 2019-2020 license year).

Moved by Ald. Craig Stevens, seconded by Ald. Kathy Lefebvre to open the floor for discussion. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Kathy Lefebvre, No- None, Abstain- None

Moved by Ald. Craig Stevens, seconded by Ald. Kathy Lefebvre to close the floor for discussion. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Kathy Lefebvre, No- None, Abstain- None

Moved by Ald. John VanderLeest, seconded by Craig Stevens to recommend that council waive the ordinance requirements for an outdoor premise and to approve an application for an available "Class B" Combination license for Sliced on Main, LLC at 1238 Main St. with licensed premises description as "1800 sq ft building, kitchen, 2 bathrooms, walk-in cooler, large bar room, small patio," with the approval proper authorities. (Previously licensed as Main St. Dreams during the 2019-2020 license year).

4. Consideration with possible action on a request by Alderman Wery to approve a resolution in support of the Green Bay Police Department.

Moved by Ald. Kathy Lefebvre, seconded by Ald. Craig Stevens to amend a request by Alderman Wery to approve a resolution in support of the Green Bay Police Department and to strike from the last paragraph " the innocent" and replace with "protecting all", add a statement that the police protect the constitutional rights rights of the community and to make appropriate grammatical changes. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Kathy Lefebvre, No- None, Abstain- None

Moved by Ald. Craig Stevens, seconded by Ald. Kathy Lefebvre to approve as amended. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Kathy Lefebvre, No- None, Abstain- None

F. INFORMATIONAL.

I. The Liquor Violation Report for September 3, 2020.

Moved by Ald. Craig Stevens, seconded by Ald. John VanderLeest to receive and place on file The Liquor Violation Report for September 3, 2020. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Kathy Lefebvre, No- None, Abstain- None

G. ADJOURNMENT.

Moved by Ald. John VanderLeest, seconded by Ald. Craig Stevens to adjourn at 7:51 p.m. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Kathy Lefebvre, No- None, Abstain- None

VERBATIM MINUTES

- [Celestine] Okay, and we are recording.

- All right. We can start with roll call.

- All right. Welcome to Protection and Policy for September 3rd. I would like to take the roll call. Alder Steuer, I am here. Alder Stevens?

- Here.

- Alder Lefebvre?

- [Kathy] Here.

- Alder Vander Leest? Is he here? Attorney Bungert, can you hear him?

- I cannot hear him, no.

- Well, we're gonna keep moving. He's efforting, you might want to put that in some how. So I'll move forward?

- Yes, but we do have quorum with Alder Steuer, Stevens, and Lefebvre. So we can move forward.

- Okay, all right. Approval of the agenda. I'll look for a motion?

- Motion to approve.

- I'll move.

- Moved by Stevens.

- I'll second.

- Seconded by Lefebvre. All in favor, please say aye?

- [All] Aye.

- All opposed? That passes. Approval of the minutes. Do we have a motion?

- So moved.

- Seconded.

- Moved by Lefebvre. Seconded by Stevens. All in favor, please say aye?

- [All] Aye.

- All opposed? That passes unanimous.

- That was motion by Lefebvre, second by Stevens?

- I was gonna ask, Alder Dorff, I was gonna ask, with having this first on the agenda, I had wondered about moving it, and if we have a couple of these, item two and three we can move fairly quickly, and I'm just, 'cause there might be some folks out here. And I just, I don't know if I want them to wait for awhile? So what do you think?

- Alders, we would then have to do a motion to reconsider 'cause you just approved the agenda.

- I just wanted to ask first if that's okay. So, with that being said, I would entertain a motion to, well, John Vander Leest is on the phone now. Can you give me a second? Hello? This is, I'm trying to multitask. This isn't going really well. John?

- [Woman] On here, you want to come on? Yeah.

- John, we're in the middle of it here. What's up? What? Okay. We've started the meeting and we have you as efforting. We do have a quorum right now, so just keep trying to get in, okay? All right. Okay. Let's go back.

- Alder Steuer, we would need to do a motion to reconsider.

- Yes. We need a motion to reconsider, to move--

- Well, a motion to reconsider the approval of the agenda. And then you would need to do a motion to amend, and a motion to approve as amended. So three steps.

- I'd like to, and I would entertain a motion. Somebody please?

- [Kathy] I'll make a motion to reconsider the agenda. A motion

- Okay, that by Lefebvre. Do we have a second?

- Second.

- Second by Stevens. All in favor, please say aye?

- [All] Aye.

- All opposed? All right, what's next?

- So then we would do a motion to amend the agenda.

- Okay.

- And to move item, I'm not sure what you wanted to, if you want to move item number one after item number three?

- Yes, that would be it. Do we have a motion to that effect?

- Item one after three?

- After three.

- [Kathy] I'll make that motion.

- Okay.

- Second.

- Seconded by Stevens. All in favor, please say aye?

- [All] Aye.

- All opposed? That passes.

- And then, now a motion to approve the agenda as amended.

- Okay, I need a motion.

- Motion to approve.

- By Stevens.

- Second.

- Seconded by Lefebvre. All in favor, please say aye?

- [All] Aye.

- That passes unanimously. That was simple.

- Okay, one second.

- All right.

- Let me just catch up really quick. All right.

- Okay. Are you ready?

- And one second, just have to skip through the items. So we are onto item number two.

- Okay, number two. Consideration of possible action on an appeal by Branden Neidl regarding the denial of his operator's license. Staff?

- Yes, staff's recommendation is to deny this appeal, as the appellant is a habitual law offender for offenses that substantially relate to the license activity and a convicted felon, and therefore not qualified under Chapter 125. The appellant has presented some additional information regarding his rehabilitation and fitness to engage in

the licensed activity. I believe he is in the meeting. So at this point we can open the floor, and he can address the committee.

- I just wanted to check with police on that as well.

- The police concur with law.

- Okay. Thank you. All right, I would entertain a motion to open the floor.

- [Kathy] I'll make a motion to open the floor.

- By Lefebvre.

- Second.

- Seconded by Stevens. All in favor, please say aye?

- [All] Aye.

- All opposed? All right. The floor is now open. Mr. Neidl, is he here?

- [Branden] Yes I am.

- Okay. For the record, please state your name and address. And then you can speak a little bit as to why you feel that you deserve this. And we will chime in and talk a little bit as well.

- Okay. My name is Branden Frank Neidl. I live on 1191 Velp Avenue North, Green Bay, Wisconsin, 54303.

- Okay. All right.

- And I have the owner of the gas station here with me too, for another possible person to speak on my behalf.

- Okay. What are you, just, I just wanted to ask, where are you looking to apply to? I didn't see that offhand? Are you, you're working right now?

- Well I ended up at the Marathon. The Marathon ended up closing down, well, he lost the Marathon. It ended up going to somebody else. And I put in the appeal letter for 1335 Main Street BP.

- That's a, what kind of station is that?

- The BP on, BP on Main and Baird.

- All right. Okay. Well, go ahead. Tell me why you feel you should get a license?

- Well, for one, because I've come a long way. I sat my time. I've been out for six years and almost a month now, and I've completed my treatment that I've been asked to complete. I have been doing what I'm supposed to. I have three beautiful girls that I support every day. I'm married, I've been married for three and a half years. And I've been trying to show the community that I could be a better person. And be able to show that I'm reliable here in this community as well.

- Are you outside right now? I'm having a hard time hearing you.

- Yes, I am. I'm actually at the BP by the owner right now. This is the owner next to me.

- All right. Does the committee have any questions of Mr. Neidl right now? Otherwise I could ask, what is your name, sir? The owner?

- My name is Sandeep, and last name is Singh. I have known Branden for almost now over a year now. I believe he's a hardworking guy. And he has proved himself that, and that he be given a chance to try and prove that he can be an asset to the community rather than a liability. He, like himself said, that he completed six years after, since he's been out, and he has proved himself that he can be worthy of a job like that. So I would request, if something can be done in his case, to make him prove that he's worth it.

- All right. Committee, do you have any questions? At all? Otherwise--

- Yeah, I would--

- Yes, go ahead, Alder Stevens?

- Maybe for the Lieutenant? Mahoney?

- You're muted.

- Yes. Go ahead.

- So we see his prior history. Is there any pending charges currently? Or is there nothing?

- There was, we don't have anything currently pending on him.

- Okay.

- The denial was based on what Attorney Bungert said.

- All right. Thank you.

- And under Fair Employment for the state of Wisconsin, for licensing issues, we cannot consider pending charges. Just convictions.

- Okay.

- All right. Okay--

- Chairman? Oops, sorry.

- Yes, go ahead. Go ahead, Alder Lefebvre.

- [Kathy] Yeah, I always like giving people a second chance, but I am a little concerned about the sexual assault. Second degree, it's not first degree, but of a child, I just, that's a hard one.

- Yeah. I noticed that as well. And I know that once, yeah, go ahead.

- [Kathy] Yeah, can I ask, how old was he at that time?

- I was 20.

- 20?

- I was 20 years old.

- Okay.

- How old?

- 20.

- 20.

- 20?

- I was 20 years old.

- [Kathy] 20, okay.

- And how old is he now?

- Well, it was 2007.

- I'll be 34 on September 29th.

- Have you, yeah, go ahead, Alder Lefebvre. Do you have any other questions?

- [Kathy] No, just that, yeah, this is a hard one. I do believe in people rehabilitating themselves and being able to get a chance to stand on their feet and be productive again in the community. So to me, so it's gonna be a hard decision.

- Right.

- [John] Mark, I'm in the meeting now. This is John Vander Leest. I am in the meeting. I can hear what's going on.

- Oh, celebration. Celebration. Okay, we're, the floor is now open, and we're talking to Branden Neidl and his boss. So, I don't know if you've had a chance to listen in?

- [John] If you could just give me a little review on what's taken place, I'd appreciate it.

- Well, the law department and police said that they're not agreeing with this, his petition to get a license. So we're just speaking right now. Alder Lefebvre is a little concerned because of the sexual assault of a child in 2007. He's served his time. He doesn't have any pending legal matters right now. He's had a number of probation violations over time. But nothing, some misdemeanors. But he's trying to get a position. So Alder Lefebvre is a little concerned about that. I'm probably a little concerned on that as well. Alder Stevens just asked if there was anything pending at all, and there does not seem to be anything at this time. So, I don't know if you have any specific questions right now of Mr. Neidl? He's on, we're still, the floor is still open.

- [Kathy] I was gonna ask if John heard me say that I do believe, though, in giving people a second chance?

- [John] I did hear that, I did hear that part, yes.

- [Kathy] Okay. Okay, go ahead, John.

- John, go ahead.

- [John] I guess I'll just kind of wait and hear what the rest of the committee has got to say.

- All right.

- [John] I'd like to see him get another chance. It sounds like he's been quite a few years without any problems, I don't know his exact history. But as far as--

- Well, it's on, if you look at the agenda, there is a list of things. Arrests and conviction records. So if you can open that up.

- I don't see when the last one was?

- 2017.

- Just a probation violation in 2017. So it's been three years since. I'm not sure, I can give a little bit of context for the committee as far as their deliberations go. With respect to prior convictions for licensing matters, there is, I'm looking up the letter right now, I think factors that the committee can consider are evidence of the nature and seriousness of the offense, evidence of the circumstances relative to the offense, including mitigating circumstances, the age of the applicant at the time of the offense, the length of time that has elapsed since the offense was committed, letters of reference by persons, and any other evidence of rehabilitation. And then in accordance with that, if the committee feels that the applicant has, or the appellant has provided sufficient evidence of those things, they are precluded from denying the appeal. Essentially, once the appellant has shown evidence of those, of rehabilitation, then we cannot deny based on the prior conviction.

- So, as of now, do you have any, do you have any information that way? I didn't really ask Mr. Neidl if he had letters from--

- He did, he has, there are some, and there's information to the committee in his applications.

- Application, okay.

- Yes.

- [Kathy] Mr. Chairman?

- Yes. Go ahead, Alder.

- [Kathy] May I ask what the probation violations were in 2017 and '16?

- Sure. Mr. Neidl? Do you have that?

- Yes.

- Go ahead.

- No, I do not, off the top of, not with me. No, I do not have the violations from back in 2017.

- You do or don't? You don't have violations?

- I don't have no violations since, like you guys said, that I know of since 2000, I don't know what was--

- [Kathy] '17 and '16, no I wanted to know what were the probation violations for in 2017?

- Well.

- Brian?

- I don't, we don't, I don't have that information. And his CIB, it just states that there was, it was, I'm not sure what he would have been arrested for, or picked up for, or had any contact with PD. It's just listed as a probation violation and turned over to, and it's not listed that he had any kind of fine or any kind of sentence imposed as a result of it, just that it, there was some sort of contact and it was a violation of probation.

- [Kathy] Can we ask...

- We did, well I think we did just ask him, and Mr. Neidl you weren't--

- He doesn't have any information on it.

- Can we ask the Lieutenant?

- Yeah, go ahead.

- With our in-house reporting system, I can't tell you what the violation was. It doesn't necessarily mean it happened in Green Bay. Back at that time a probation violation could have been something as simple as he violated, if there was a no drink against him, and if that happened in Milwaukee, they would have called the probation agent and it would have been a probation violation. So, I have no one, and I'm not saying it was a no drink, but it's very hard to determine what the violation was, because it could be one of 100 different things that his agents decided that he violated and put him back in jail for a bit.

- Okay, thank you.

- I agree with Alder Stevens. I just wanted to kind of find out what those were, because it's pretty vague. If it was very serious, I'm sure that would come forward. We'd see something that would, I think for the most part, I feel pretty good on most of it, but the 2007 assault of a child, I think that that's a tough one. And I presume that he's on the registry? That's a permanent kind of thing. Well, listen, why don't we, I don't, does anybody have any other questions for Mr. Neidl? Otherwise I would have a motion to close the floor?

- [John] Motion to close the floor.

- By Alder Vander Leest.

- Second.

- Seconded by Stevens. All in favor, please say aye?

- [All] Aye. Opposed? All right, committee, what are your thoughts? Just anybody?

- [John] I'd say, give him another chance. Give him one more chance. And he sounds like he's trying to make a new start and I'd say give him another chance on this.

- Okay. Anybody else?

- [Kathy] I'll second that, if that's the motion.

- All right. If you can bring a motion, you can bring a motion forward, if you'd like.

- [Kathy] John, do you want to make it a motion?

- [John] I'll make that a motion.

- [Kathy] Okay, and then I'll second it.

- Second, okay. Any other discussion? Otherwise I will ask for a vote. All in favor? Pardon?

- Aye.

- Aye.

- Aye.

- That's unanimous. I will tell Mr. Neidl that this is only a recommendation from the committee, At City Council at 6:00 PM, at City Hall, but it's a Zoom meeting as well. And if you have any questions, if you want to just check in, there's always a chance that it could be overturned. But generally speaking, our committee will okay it, and we shouldn't have any issues. But just to be on the safe side, you may want to check in at City Council. So that does pass four to nothing. Okay. Good luck.

- I have a question?

- Who does?

- I do, Branden.

- Hold on a second. Motion to open the floor?

- [Kathy] I'll make a motion to open the floor.

- Okay, by Lefebvre. Seconded by?

- Second.

- Stevens. All right. All in favor?

- [All] Aye.

- All right, go ahead, Mr. Neidl.

- My question is like, is the, when is the city council meeting? Is that today or is that--

- No, I mentioned September 15th.

- Okay.

- That's a Tuesday.

- I'm sorry, I just didn't hear it. My phone keeps going in and out.

- September 15th at 6:00 PM. And it's a Zoom meeting. When this item comes up, chances are it'll go through, but there's always that possibility. So if there's any issues, so just to be on the safe side, this is only a recommendation. And City Council has the final say. So, good luck, and we'll be watching. We want you to do well. Okay?

- Thank you. I appreciate it.

- All right, you take care. All right, a motion to close the floor from someone?

- Motion to close the floor.

- Motion to close the floor.

- By Vander Leest, seconded by Stevens. All in favor, please say aye?

- [All] Aye.

- All opposed? All right. That passes. Attorney Bungert, you let me know when you're ready.

- Yep. We are onto item number three.

- Number three. Consideration with possible action on an application for an available class B combination license for Sliced on Main, LLC, at 1238 Main Street, with licensed premises description as 1800 square feet building, kitchen, two bathrooms, walk-in cooler, large bar room, small patio. Previously licensed as Main Street Dreams in 2019-2020 license year. Staff?

- Yes, so this establishment is in the Olde Main Moratorium, but it meets an exception as the premise was, this premise was licensed previously within the 60 day period, last licensed on June 30th. The applicant is requesting an outdoor patio, which doesn't apply with ordinance requirements that if the committee looks at the packet, it's a raised deck almost like on the second floor, or almost second floor, with steps leading up to it. But it isn't, so it's walls for three portions of the patio, and then the back end of the patio is just like a deck railing. So it doesn't have this. So we put impervious fencing on one side, according to the way the requirements have to be waived. Staff doesn't have an objection as it is separated. There's a delineation. There's only one point of access from the outside. And it's on the back end of the building. So, accordingly we would recommend that council waive the ordinance requirements for an outdoor premise, with respect to height and imperviousness and to approve the request.

- Okay. Police?

- The police concur with the law department. The one question I do have, and I hope the owner might be here, is, with it being the outdoor deck, and with the way the fence is, it's above the ground. But if he plans on having security staff out on that deck, when they are outside serving to prevent people from just walking right down into the parking lot?

- All right. Is the owner here?

- Yeah. How's it going guys? Can you hear me?

- Okay, I'll look for a motion--

- Motion to open the floor.

- A motion by Stevens.

- Second.

- A second by Vander Leest, I'm sorry, by Lefebvre. All in favor say aye?

- [All] Aye.

- All right, Mr. O'Connell, you're on. Address for the record, and then speak to what Lieutenant Mahoney just mentioned.

- Yeah, yeah, absolutely. Pat O'Connell, 236 Mather Street, 54303. Yeah, exactly. We're still kind of open. When we met with police a couple weeks ago about the license application and recommendation, it seemed like, we were pretty open to whatever best case scenario is. So obviously, if there is a way for us to have that, or if we want to have the bouncer out on the back deck, or back area, making sure that in the parking lot. Or if we want to have people coming in through the front and have the back where it's somehow watched and making sure people don't go out on it. Either option. We're totally up for. Whatever's recommended by the Green Bay Police Department, we want to make sure it happens.

- Well, we appreciate that. I kind of wish we had a picture of something to look at here.

- We did submit some to Miss Fueg.

- It's in the packet.

- Is it in the packet?

- It is in the packet. So if you open up--

- I'm sorry.

- The packets for item three, there are pictures of the deck.

- And obviously the biggest thing we're fighting against is fire safety. We could just put up a rope or something there to make sure people aren't just leaving or walking out with beverages. But then, you'd fight into, if the building's burning or something and there's some sort of issue with exiting. So if setting somebody back there is the best case scenario, we totally would make that happen.

- Is this gonna be a smoking area as well? Or how are you doing? Dealing with it?

- I would imagine. Yeah, I would imagine that's probably the spot that people would be smoking, on that back deck.

- Okay. I'm just trying to imagine where this place is located. Some of your neighbors. I'm just wondering the neighbors?

- Cock and Bull, Los Banditos east,

- Okay. All right.

- Rough about.

- Okay. All right. Committee, do you have any questions?

- [Kathy] No, not right now.

- Okay. Anybody else? Otherwise, I'll entertain a motion to close the floor?

- Motion to close floor.

- First, may I?

- Alder Gerlach. Go ahead, Alder Gerlach?

- Mr. O'Connell, you remember me?

- Yes.

- I met with you there, and saw the premises and we talked about the flooding issue. And I was just wondering, I thought you told me at that time that you were going to have entrance only from Main Street, and then you would use the back deck for people to go out on, but they wouldn't be able to enter or exit that way, is that correct?

- So that was part of the plan. I believe a few days later we met with a couple of inspectors again, as well as the police department. And again, it's just, there's only two entrances and exits, the front and the back, so if we were to not allow people or somehow board off the back, then it's a fire hazard. So in a perfect world, it would be just through the front, but there has to be a way to watch the back. And I think the best way to do that is making sure that somebody's out there watching the exit through the back, whether it be in summertime, there's an outdoor little patio bar there, having somebody there or just having a bouncer on the back deck.

- Okay. And just one other question on the flooding, has that issue, have you made any progress?

- Nothing from what I've heard. The water levels are down, so there's nothing in the lot right now. But not a ton of progress there, unfortunately.

- Okay. Thank you.

- Okay. Anybody else? Otherwise, I'll entertain a motion to close the floor.

- We have a motion by Alder Stevens. We just need a second.

- Stevens, okay.

- Do we--

- Second.

- We have a second by Lefebvre. All in favor, please say aye?

- [All] Aye.

- Opposed? All right. Committee, do you have any thoughts on this?

- [Kathy] Chairman?

- Yes.

- [Kathy] Yeah, I think it'd be okay, as long as he has someone a bouncer or somebody is out there, controlling that people aren't just exiting, or that people can pass things down into the parking lot to minors or whatever. There has to be some control.

- Right? Duly noted. I kind of feel the same way. Alder Vander Leest, do you have anything?

- [John] I just say that if there were any questions about how the other police department wants to have it regulated and we should just do a little follow up with the police department. So if he comes in with the right proposal there, as far as how he's gonna handle that. I would say maybe make another contact with the Green Bay police department, and and that'll kind of solve the problem. Thank you.

- Okay. All right.

- Alder Stevens, any--

- all--

- Go ahead.

- Just a quick note, before, just in relation to what the Alders are bringing up. Any of the items for licensing all require approval of the proper authorities, which automatically is PD and Inspections before any liquor license is issued. So it's not necessary to add that in. But we can't put on other contingencies specifically to the approval.

- We can do that, right?

- Right.

- Yes. It's already contingent on the approval of PD and Inspections before the license can be issued.

- Right. Okay. Well then we don't have to add that contingency. It's already part of it. Alder Vander Leest, are you good with that?

- [John] Yeah, I'd say a motion to approve. I'll make the motion to approve.

- Second.

- Second.

- We do need to do the, I'm sorry to interrupt, we need the motion to waive the requirements, then to approve.

- Okay.

- [John] Okay.

- Someone make a motion for that, Alder Vander Leest?

- [John] Yes, I did.

- Okay, to waive that, seconded by Stevens, correct?

- Right.

- Okay. All in favor, please say aye?

- [All] Aye.

- All opposed? That passes. Okay. Now.

- We're good.

- Now we--

- Okay. All right, so now, we are back to item number one.

- Okay. So we approved this now?

- Yes, it's approved, mm hm.

- It is approved, okay, thank you for that. All right. Let me get in here. All right, number one. Consideration with possible action on a communication from Alder Dorff to research and create a fair housing ordinance for the City of Green Bay, previously discussed at the July 8th, 2019, July 13th, 2020, and August 10th, 2020, Protection and Policy meetings. Alder Dorff, you are here.

- I'm here.

- So I don't know if you care to go forward, 'cause I know there'll probably be some people that want to speak. So I'll let you kind of dictate how you want to see this go. And we're here for you.

- Chair, do you want me to review the entire history that I reviewed last time? Or do we just want to get onto questions?

- I think we've looked at this a number of times, I think a few of us, and there is a lot here, so it was, a lot to disseminate. So I would. Hello, who's? Okay, I would ask the committee initially, before we get into it, is does anybody have any specific questions right now? Or can we just move forward? Who's trying to get in here?

- I'm not seeing anybody. No one's in the waiting room.

- I just hear some noise in the background.

- Right.

- So if we can eliminate that, that'd be great.

- Chair, I imagine that Council will go over all the history again.

- Oh yeah. Yes, I believe so. So I'm looking at--

- So perhaps just streamline it a little bit?

- Yeah, I would. Let's see, and if we have questions, we can interject while you're doing that. Is that okay?

- Oh, okay. Yes.

- So why don't you just go ahead. We were, I think one of the concerns that I've had, and maybe with some of the other alders, and they can speak on the matter as well, is the length of this general ordinance, and wondering if there's maybe too much in this particular ordinance? Maybe it could be beat up a little bit differently. That's just an initial thought on that we'd appreciate. So we're here to discuss, so I would say go ahead.

- Yeah, it had started out quite a bit longer. It was like 30 some pages, initially. So a lot has been removed. And really the commission intent has been changed quite a bit. I think that I'm fine with the current length of it. I think it looks longer because it's in big printing right now. But I think it would be, would not look as long. But if we were to remove anything, I don't have anything I'd suggest be removed.

- Okay.

- [Kathy] Mr. Chairman?

- Yeah, go ahead, Alder Lefebvre.

- [Kathy] Yeah, what I was wondering if Barb would be, we'll take a look at, I think that the first part is almost separate from the second part when it starts at 50.04. Which is completely just the housing section. I think it's almost like two things. If we could have two resolutions?

- Or two ordinances?

- [Kathy] Or ordinances, yeah. The first part talks about just general discrimination, race and different things. And then the second part goes onto the housing. That starts at four, is the housing discrimination. I would think it should be like two of them. I think they should be almost separate? What do you think, Barb?

- Well, I think that there's a lot of definitions that you need, you need to, oh, I will call on Lindsay Mather, if that's all right with you? Chair?

- Yes, go ahead, Attorney Mather.

- Hi everyone.

- Hello.

- Attorney Lindsay Mather here. So I just wanted to explain the setup a little bit. I know this is longer than most of the GO's that we're talking about. This does create an entirely new chapter, which is why it's so long, because most of our GO's are usually just one particular section that we're editing, whereas this is an entire chapter. And excuse me. There is actually, there's the general discrimination part, like Alder Lefebvre was talking about, and then there's actually three different things that are being addressed. Discrimination in housing. Discrimination in places of public accommodation and amusement. And discrimination in employment. And then there's another section that is the creation of a commission to address diversity and inclusion issues in the city. So there are a lot of moving pieces to this, which is why it is so long. But like I said, just keep in mind that it's not just the creation of a new section like we would normally do, it's an entire chapter.

- [Kathy] So can I ask, do you feel that it should be all in one as it is?

- I believe it makes sense to have it all in one so that it's all, it can all be found in the same place.

- [Kathy] Okay, okay, no, I just had that question. I just thought it seemed like different parts. That's fine.

- Okay. Anything else Alder Lefebvre? Not for now? Okay.

- [Kathy] Not for now.

- Well, I was gonna ask Attorney, oh, I'm sorry, go ahead, Alder Stevens.

- I have to leave now.

- Oh, you do? Okay. Well, we'll miss you.

- And I may not be back.

- Oh no!

- Good luck with whatever you're doing.

- Well, I have a third party inspector coming here.

- Ah.

- Oh, okay.

- We don't have enough of those around. We need more.

- All right. Bye.

- Thank you.

- Have a good weekend.

- We're still a quorum here, so we're fine. It's okay. Lindsay, I was going to ask you, what was I going to ask? I lost my train of thought here. I'm sorry. Now, I'm gonna have to, it'll come back to me. I'm sorry. Anybody else on the committee have anything right now?

- [John] I'd like to talk about 50.11. I'd like to know how many violations, if we could ask that to our attorney, how many violations have we had in the city of Green Bay on, that the State of Wisconsin and the federal government are saying, how many complaints have we had in the last year that have been referred to the state and to the federal government, as far as violations. I'd like to know how many that have this?

- So as of right now, we don't have a mechanism for those complaints to come through the law department. I know that, and Director Renier-Wigg is here to discuss housing a little bit. If we want to get into the complaints that the Green Bay Housing Authority has received. But as far as complaints as to employment, public accommodations, those kinds of things, I have no way of knowing how many we've received because

none of them have come through our office. If people are submitting them, they're submitting them independently to state and federal agencies other than the city because currently the city doesn't have an equal rights ordinance in place.

- [John] Okay. So, have you had any complaints from citizens that have brought anything forward as far as they're not getting served by the state or the federal government, that they haven't been able to resolve these problems? Have you had any complaints as far as that they've taken it to the state and they've taken it to the federal, and they haven't had any resolving of their complaint? Or have these complaints been satisfied?

- I haven't heard anything one way or the other.

- [John] Okay. I guess, when I look at 50.11, it says here, "The Equal Rights Commission shall consist of nine residents "of the city appointed by a diverse and representative "cross-section of community, inclusive of traditionally "underrepresented groups, who shall be members only as long "as they shall reside in the city of Green Bay." We're talking about nine different people, we're talking about, it says here, "The commission shall be appointed by the mayor "subject to confirmation by the council. "The alder shall be elected for a term of two years. "And the other members of the commission "shall be appointed for three years, "except that three members are initially appointed." I think that, as far as these complaints that might come forward, I think that a lot of these people won't have the expertise as far as to, to handle these as far as the discrimination. I think that the state and the federal government, I think they have the qualified people, really, to move forward where a lot of the citizens, I don't, if you read through this document, there's a lot of different definitions and a lot of different interpretations. And I think that we might be jumping into something here when we're gonna appoint a nine member commission, an equal rights commission. And then we're talking about a thousand on there, there was, "For any person violating "any of the provisions of this section, "shall upon conviction be subject to a forfeiture "of not more than a thousand dollars." I think that a lot of the citizens and landlords and different business owners, they would have to procure an attorney to handle the situation as far as how they're gonna move forward. So, the City of Green Bay, I think we're jumping into some on chartered territory, when we only have nine residents of the city. And I think that this is probably, most of this, is probably dealt with a judicial body as far as that know the laws and the terms. And so I think the city maybe, looking into, jumping into unchartered territory. And I'd like to hear about, from some of the public, how they feel about it a little bit later on. Okay, thank you.

- Okay, John. We'll get back to you. Alder Dorff, did you want to say something right now?

- I wanted to say that he, Alder Vander Leest has a misunderstanding of the purpose of the commission and I'd like Attorney Mather to explain it has nothing to do with imposing fines on anyone. So Attorney Mather, would you explain that please?

- Certainly. So the equal rights commissions in some cities do accept the complaints that are submitted by the constituents of those cities. Ours is not set up that way. So our commission will not be addressing the substance of complaints. When complaints are submitted, they'll come to our office and they'll go to our city prosecutor who will review the complaint and determine if one of the state or federal agencies that deals with these complaints has jurisdiction over the facts that are alleged in whatever the complaint is describing. So for example, if it's alleging employment discrimination, it may go to the state Department of Workforce Development, the Equal Rights Division, or the federal EEOC. If it's housing, it might go to HUD. But if another one of those agencies has jurisdiction, the city's not going to take any action on it. There's a specific provision in this ordinance that says that if somebody else has jurisdiction, we're going to inform the complainant of the proper entity to whom they should be submitting their complaint, but we personally will not be taking action. The only time action would be taken would be if the facts in the complaint allege a violation that doesn't fall within the jurisdiction of one of those other agencies. In that situation, the complaint would be sent to an independent investigator who would submit a report back to our city prosecutor, who would at that time determine whether an action should be brought in municipal court for a civil forfeiture. So all of that is taking place within the law department, or for the most part it's, we're not going to be taking any action on these complaints, but if we do it's going to be the discretion of the attorneys in the law department. It's not going to be the individuals on a commission. What the commission is for is to get reports from the human resources department of the city, as far as actions that are being taken by the various city departments to further the city's diversity and inclusion goals. So they'll be getting those, HR will kind of gather that data from all of the departments and then report on that to the commission. That's one part of it. Another part of it is the ability of the commission to meet with local housing providers, local employers, various local groups, and based on those conversations, provide a report to the mayor and to council, as far as the state of discrimination within the city of Green Bay. So, not just what is going on in the community, but also what the city government itself is doing to kind of be an example in eliminating discrimination and making or having a representative workforce. So again, I just want to really emphasize that it's very, there's a big distinction between enforcement of any potential violation and the commission. The commission will have nothing to do with enforcement.

- Okay.

- Chairman?

- Alder Vander Leest, do you have anything else?

- Oh, I'm sorry.

- [John] I just want to say that from what the state and the federal government, as far as their requirements, what are the additives that you're putting in this ordinance? What are the new rules and regulations that the City of Green Bay is trying to enforce? Do you have a copy of what the state and the federal are enforcing right now? And then we'd like to see the, what's the difference between what the city's trying to do than what the state and the federal is, the law? In other words, the federal and the state that are controlling it right now, what are the new additives as far as, and when I say additives, I'm saying, what are the new wording? In other

words, we get different, the equal rights part of it, what's the difference between what the federal and the state are doing versus what the city's trying to enact right now? What are the more, restrictions? What are the cities trying to add on? That's what I like to know? If we could get a copy of that?

- We got your question. I think we got it.

- [John] Thank you. Okay.

- Go ahead, Attorney Mather. Go ahead, Attorney.

- Sure. So the actual provisions, as far as the types of discrimination that are prohibited, are largely mirrored or paralleled in either state or federal law. Some of the provisions rely more heavily on federal law. Some of them rely more heavily on state law. It's kind of a combination of the two. But for the most part, in fact, I don't, I didn't identify any when I was going through any of the prohibited practices. All of them are found in either state or federal law. There are some variations between what this proposed ordinance defines as a protected person, and what's defined as a protected class under state and federal law. And so those are, I don't know if you want me to read the entire list, they're long lists, but there are, I'm not really going to read the list.

- No, don't do that.

- But there are differences between the different levels. Federal law, for example, is very minimal. The housing portion only has five protected classes that are specifically named. I'm sorry, housing has six, employment has five.

- Could you tell what those are, offhand?

- Sure. You bet. So employment is Title VII of the Civil Rights Act, which specifies race, color, religion, sex, or national origin, as the protected classes.

- Okay.

- For Public Accommodations, it's that same list, except that sex is not listed.

- Okay. And that was passed, the Public Accommodations law was passed at the same time as, that was part of the Civil Rights law as well.

- And when were those passed, offhand?

- 1964.

- 1964?

- Yes.

- Okay. Alder Vander Leest, anything else, offhand?

- [John] I'll let some of the other committees join in or chime in for right now.

- Okay.

- Thank you.

- Alder Lefebvre?

- [Kathy] Yeah, kind of I was gonna say the same thing, kind of where I believe that what we are putting here is all either in the state or the federal. I don't think that we can put in, maybe like a protected classes. It should be, we're learning more things. And I can see a little bit more in protected. We just have to be careful that we're not stricter, I believe, than the state or the federal in some of these things. But, and I think, too, the commission, the reason I think for the commission is that, my understanding is that, when people have, they

know there's a violation, where do they go? How do they report it? And I think this is what the commission is for, that these would come up and then the commission can look at them and they can then refer them to the proper authorities, is that how I'm reading this?

- Do you want me to respond?

- Yes.

- I can respond to that.

- Sure.

- Alder, so this is similar to what I was discussing before, in response to Alder Vander Leest's question. The commission won't actually be considering people's complaints in any capacity. So the complaints will come to the law department's office. If, not if, once one of our attorneys reads through the complaint and determines, let's say for example, that the Department of Housing and Urban Development has jurisdiction, then we can, we, as an office, will send, notify the complainant that we're not going to take any action on this complaint because HUD has jurisdiction. Here's how you can submit your complaint to HUD. And so we'll provide that direction, but we're not going to forward it on their behalf. But again, that's going to be done at the staff level, not at the commission level.

- Okay.

- [Kathy] Okay.

- Anything else, Alder Lefebvre? Otherwise, I have a question too, and Alder Gerlach as well. You can chime in any time.

- [Kathy] Sure, sure, go ahead.

- Alder Gerlach, did you want to go?

- Sure, I just want to say that, I know you're all tired of hearing how everything's new to me, but this is, truthfully, this is the first ordinance I ever saw developed as an alder. And I remember the first time I read it, I did find it absolutely overwhelming. It is long and it is comprehensive. And at that time I found a word in it that I found I felt was inflammatory. And I went back to the law department. I said, I think you shouldn't use this word. And they changed it. And I had a question about one of the protected classes, I didn't understand why they were protected. And that was explained to me. And then I just let it go. I talked with a few citizens about it, who called me in and had read it, and were interested in discussing it. Referred one to the mayor, and he had a nice conversation with the mayor about it. And then when it came up again, when I saw that it was going to be considered at this meeting, I read it again very carefully. And once again, I found a sentence that just did. Did not, as far as I could see as a reader. And so I contacted Attorney Mather, and we worked through that sentence til we got it so I was happy with it. Because I want this to be meaningful to all the citizens who read it. And I appreciate the changes and improvements that have been made. I, now that I've read it very carefully, I understand the purpose of that commission. I would personally be honored to be alder to serve on that commission. I see now it's not a judgment or authoritarian body. It's kind of like a watchful body that makes sure that everything's going in the direction that the city has said it would go. And just one final point, and that is that if this is more specific than the state or the federal law, the important thing is that we, as a city, are standing up and saying, we will make sure that everyone is treated equally. And I think we're moving in that direction. We're going to be hiring a diversity and inclusion coordinator. And I just think this is a perfect addition to it, and I will support it at council.

- Thank you, attorney, or attorney, thank you, Alder Gerlach. Those are some very good comments. I think, it depend. This is gonna go to council. I think some things, there might be some lines in here that we might look at and say, what about this? Or what about that? I appreciate the fact that you went in and talked to law about it. I think we all want something that's good and workable. So, I think what I wanted to do is talk to Cheryl Renier-Wigg, if I could. I had a question, Cheryl. We were talking about this entire ordinance, the fact that we have a lot of, as Alder Dorff said, several pages of descriptions and such before we get into the housing. Now, you've been with the planning office quite some time. Kudos to you and all that. But, and I had asked Attorney Mather at one time about this as well, and maybe we can talk a little bit more about that later. But the fact that there was a Fair Housing Ordinance that came through in Green Bay, I believe in 1968. Do we have any information on that at all?

- I haven't been with the city that long, Alder Steuer.

- No, I know that, I know. But just the fact--

- I'm not aware of that. I'm not aware of that ordinance.

- Well, anyway, I've been reading a little bit of the history in Green Bay and there was some difficulty years ago as far as housing and such like that. And I was just wondering with the powers that your office has, if a lot of

that isn't taken care of already by procedures and such? You've got HUD, and you've got different rules and regulations and you have Inspections Department that checks on things. So, I'd like your opinion, as far as your thoughts on this ordinance, and if you feel that it will make your job easier or helpful, et cetera, can you do that?

- Yes, I could. So, I guess, I don't want to go back through the history 'cause I wasn't at the prior meetings. But I think everyone needs to know that the reason for the Fair Housing Ordinance, at least initially, just a fair housing ordinance was a recommendation by a company that we hire, we're required to hire, every five years, to study, they call it the "Analysis of Impediments to Fair Housing." So we get funding from HUD every year, right? And one of the things HUD says is, "That's great, you can take our money, "but you need to make sure that you're "affirmatively furthering fair housing." So every five years we have to do a consolidated plan and we have to do this analysis to see what we're doing as a city to make sure that we're promoting fair housing. We did that back in '19, and that gave us some recommendations And there were some extensive ones, many of them we're working on. Some of them dealt with supply. We need more supply of affordable housing in Green Bay. We need more affordable, period, with regards to income. There are some home ownership types of things we could be promoting to help folks get into housing. There's actually some racial segregation that's taking place in our city, demographically, that we need to look at, through our zoning codes. But one of the things that they let us know was that we have a lack of a fair housing ordinance in the city of Green Bay. That is a recommendation that they are making to us, that we should be passing a fair housing ordinance. So as part of this study, it says, "It is best practice for communities "that they affirmatively further fair housing "to create a local fair housing ordinance by which "local leaders affirm local support of fair housing choice." So our action is, the recommended action is, that we should create this ordinance and show local support for certain vulnerable populations. And I want to just comment, which is why this all started, with the fair housing ordinance. Alder Dorff came forward, through the Redevelopment Authority, and is following through on that recommendation made to the city. But I wanted to comment on that because, as part of our contract with HUD, we are required to hire an entity, we RFP every year, where we can send fair housing complaints to, and that's the Milwaukee Fair Housing Council, that we are under contract with now. So they, I looked up some stats, just because there were some questions on the number of complaints that we'd received. And I can tell you that, because this study was done in '19, they looked back at '18. We had 13 Fair Housing complaints that were referred to the Fair Housing Council in Milwaukee for followup, which is up. We had nine the year before, and five before. So in '19, we had 10 complaints, and that was through the first quarter, January through March. 19 instances of technical assistance were provided as well. And then in 2019, the Milwaukee Fair Housing Council also made 32 referrals to other agencies for non-housing related issues. So I think there are, there is discrimination taking place in Green Bay. There are people that don't make those complaints, either because they're afraid of being homeless, they're afraid of retaliation from landlords. We kind of know that that's happening. So I think, minimally, a fair housing ordinance should be passed just to make sure that we are affirmatively furthering fair housing in the city of Green Bay. I think that would make HUD happy. The comprehensive ordinance. I read through it. I quite honestly, I don't understand why we wouldn't do it. It's just another tool for people who might be in a situation where they're experiencing discrimination, that they have another entity to go to, to make a referral to. And I need to mention that the majority of the complaints that were made through the Milwaukee Fair Housing Council, were people with disabilities that made those complaints. So we gotta remember that that group of people is a broad group of people that could be affected by these things.

- I used to work at ASPIRO, so I know a lot of what they're going through. Have you had any pushback at all, or any of you, from apartment owners, Brown County Apartment Association, or other home situations, where I think they're fearful of, maybe push back, if they do not rent to somebody, and that person might've had a felony record or some kind of issue, or their credit rating was very poor. Has that ever been talked

about at all, as far as, this is kind of a broad based ordinance, but there's always underlying developments or things that are out there, and I'm just wondering if any of that's ever been touched on, because, any ordinance forward, there's always gonna be two sides. There's always gonna be a side of moving forward with this, but there's also other folks, too, that might look at it as a pushback on them. I don't know if I'm making myself clear at all on that, Cheryl?

- Well, I hear what you're saying, and I guess maybe Lindsay can help me out on this ordinance, but some things are not protected. So landlords have the ability to control their rental properties. They just have to basically follow state and federal law, which they hopefully are already. This reaffirms that through the city. So some things you can deny, rent, rent to a tenant, some things you can't. And that really depends on the situation.

- Well, I like the fact--

- If I could just chime in?

- Go ahead, Attorney Mather.

- So our ordinance, or this ordinance, does not include prior arrest or conviction record as part, as one of the protected classes. So that's not the, you can't, that's, it's still something that landlords can consider because it's not one of the protected classes under our ordinance. State law says that you cannot discriminate against someone in employment based on arrest or conviction records, but it doesn't say that for housing and public accommodation. So we didn't include that in our definition of protected persons.

- Okay.

- Additionally, I believe, I can't find it right this moment, but there is a provision in here that says, with respect to housing, that "A landlord is still able to assess "an individual's ability to pay their rent." And so just doing that is not going to get you in any kind of trouble under this ordinance. Those are still allowed. They're allowed under federal and state law. And they're allowed under this ordinance because they have to be, it would just be counterintuitive to not let a landlord figure out if a prospective prospective tenant is going to be able to pay their rent.

- Well, I think that's a very important point to make. And I'm sure it'll come up at council as well. I think, 'cause I've had a number of apartment owners call and I think they're looking at the worst case scenario. What

if it's worded in such a way that they still have some control over that without fear of repercussion? I think that's important to at least discuss that a little bit. And like I said, I was under the impression that this fair housing ordinance that was passed in the late sixties took care of a lot of things, but obviously it doesn't seem like it has. Cheryl, can you? It doesn't seem to?

- I can't speak to that ordinance from the sixties.

- Yes, I know, you weren't there. I know you keep saying. You're not, come on, I started before you did. We used to work together, years ago. Anyway, does anybody, committee, do you have any other questions right now? Otherwise--

- Alder Steuer?

- Oh, Alder Wery! Oh wow. It's like poof, there you are.

- Watching you at work here, Mark. You're doing a great job.

- I'm trying. All right, Alder Wery, did you have something?

- Yeah, I have a question.

- Yes.

- For either Attorney Mather or Attorney Bungert, whoever wants to field it. I see that the agenda item is consideration of possible action to create a fair housing ordinance, but the attachment is an equal rights ordinance, which has numerous parts. One is housing, so that would apply to the agenda item. But the others, public places and amusement, city facilities, employment, and equal rights commission, really have nothing to do with it. So, I don't think this is properly noticed, the rest of it. 'Cause if you were a citizen and you looked at the agenda item, you're like, "Well, okay. I don't rent out to anybody. I don't have to worry about this "because nothing here applies to me." But when you see what's in it, what's actually presented, it could pertain to a whole lot of other people. So, I don't think it's noticed correctly.

- Okay. Thank you, Alder Wery.

- I don't know if maybe just handle housing, separately? Handle housing and then have a different communication to handle an equal rights ordinance, or whatever we need to do, just so that people are aware, we're open government in what we're doing?

- Okay, Alder Wery. Alder Dorff, do you want to answer to that?

- Yeah, this has been discussed as the equal rights ordinance on July 8th, 2019, July 13th, 2020, August 10th, 2020. I think it's fairly well known that this is in addition to housing and equal rights ordinance. We can change the word for the meeting on September 15th for city council. But I think it's been noticed properly. And we've explained, and I certainly could go through all that history with you right now.

- No offense, but my question really was for the attorney. You're not an attorney.

- No no, I asked her to chime in.

- All right.

- Yeah.

- So Attorney, I did--

- Go ahead, Attorney Mather.

- My fault. Attorney Mather, can you answer to this?

- Attorney Chavez is actually gonna take this one.

- Oh, who is?

- [Vanessa] Attorney Chavez will.

- Okay, go ahead, Attorney Chavez.

- [Vanessa] Thank you. So, the reason it's still listed as this is because that was the original agenda item. The agenda item has morphed over time. So, it's not that it hasn't been noticed properly. It's just that the item has morphed. What was--

- Point of order, City Attorney, whenever we've had items that morph, we have to put in a separate communication. Otherwise it's misleading to everybody in the public.

- [Vanessa] What I am recommending is that should this pass, and the committee actually recommend that the council take action on it, at that point, the item, when it goes to council, should clarify exactly what is being voted on.

- It still doesn't handle the public notice at all. If you're looking in on an agenda, you're seeing public housing. I think this is subterfuge on what's being discussed--

- Alder Wery?

- On the agenda item.

- Alder Wery, I was gonna ask, when did you come into the meeting? 'Cause we've been talking about this for little while, and I just ask--

- It still has to be noticed correctly, and it's not.

- Okay.

- Go ahead. Do whatever you want. But it's not noticed correctly.

- I guess what I'd like to do is look at, like has been said, we discussed this at three other meetings, I'd have to go back to the minutes, and see how that was disseminated.

- Well then, in the future, I'm gonna bring something forward about Colburn Park, and then through discussion start talking about every other park in the city, and then just pass it as a Colburn Park agenda item. It's the same thing we're talking about here.

- I follow your line of reasoning. I just need to, this is gonna be fully discussed at council anyhow.

- Oh, I understand, but the lawyers should be yelled at for doing it today.

- Okay. Well I'm--

- I did have a question, though, a separate line, since it looks like we're gonna move in anyway. But Attorney Mather had mentioned that everything, everything was found in state and federal law. Now this is an exception, but she said everything was found in state and federal law, the only changes were a change of definition to protected classes.

- Well, there, yeah, it sounded like there were, it sounded like in housing they were talking about race, color, religion, sex, and national origin. Well, that was for employment. And then for housing, it was the same list, except that they don't have the sex of the individual. So it was a little--

- What was--

- It was--

- What was added? So what is stricter? What wording, what protected classes have been added?

- Well, there's quite a bit in the first page. I don't know, do you want that old read?

- I can actually speak to this a little more in depth because I don't know that I fully answered the question the first time around. So, federal law, as I alluded to, is rather minimal. The state law goes a little bit further. And it, unfortunately, protected class is defined differently in all three statutes. So there's three statutes, well, there's a lot of statutes, but the ones in particular, the Employment Law statute, the Housing statute, and the Public Accommodation statute, all use a different list of protected classes. But, the list that's in our ordinance is the same as the... The same as the state housing code list of protected classes, with the exception of creed, they don't use both religion and creed, they just say religion. Receipt of rental assistance, gender identity, gender expression, gender nonconformity, transgender status, past or present military service. I will say that the state law does include sexual orientation and sex, which under recent Supreme Court case law fall, those other gender related categories that we have, fall under those two categories. So even though they're not articulated in state law, they are still among the protected classes that are protected under law. Let's see. The list is slightly longer for employment. Also, the state list of protected classes for employment, as I mentioned before, includes arrest record, conviction record. It also includes two other provisions, or two other classes that we did not include, which are the outside use or non-use of lawful products, and declining to attend a meeting or to participate in any communication about religious matters or political matters. So those are not included in our ordinance. The ones that are not included in the state definition of protected persons under employment law, are religion, again, they use creed, not religion in this case, the other one, it was flipped, but usually it's one or the other. We have both, particularly, and I guess I should have, I should back up a little bit. The reason why we have specifically articulated gender identity, gender expression, gender nonconformity, and transgender status, is because last year, the Human Resources policies of the citywide employment policies, were updated, and included a list of prohibited discrimination. And that list included these categories. So not only did we want to make our list reflective of state and federal law, but also of those new policies that had been adopted by Council and implemented by Human Resources.

- Oh, Alder Wery, could I just interject before? I had a question, maybe kind of backing up on that as well. You brought up a lot of the points, and I think Alder Vander Leest had spoke before about the fact that the state and federal government have some things in place already, and what is the purpose of adding more to it? Before council, would it be possible to get information to all the alders as far as what the state does, what the federal government does, and what we're looking to do, as far as the differences that, you mentioned that there's some similarities, but then there's also some that aren't.

- I have a document with the differences in the protected classes that I can send to everybody. If you want more than that, if you want the differences between the specific provisions, that'll take me a little bit of time. But if you're just looking for the protected classes, I'm happy to--

- Well, I would like to see that for all, the state, federal, and then local. If we can at least use that as, so we can kind of decipher and look at it ourselves. So, I'd like that, personally.

- Sure. But I just want to make sure I heard you correctly. So it's okay if it's just this protected classes?

- I was, well--

- Mr. Chairman?

- For now, protected classes, go ahead, Alder Lefebvre?

- [Kathy] I think they should, then she should put in, what we have down at the city human services.

- Yep, I will.

- [Kathy] Put that in so that they know that some of this is in there, which we put in the ordinance too, which wouldn't be specifically stated in the state or the federal.

- You bet.

- Okay.

- Okay, Alder--

- Alder Steuer, The reason that I ask about just the protected classes list is because, as I mentioned before, as far as prohibited discrimination and exemptions and all those other kinds of parts of the ordinance, those are mirrored already in state or federal law. So to, for the most part, it would just be, these provisions are also

found in state law, as opposed to, there's not really as many differences to highlight with respect to the provisions because they are largely, if not verbatim, they're very, very similar language.

- Okay. And I think I'm glad that you mentioned that. Depending on what happens, that if the committee or commission will look at it, and say, "Well, we can't handle that, that has to go "to the state or federal government depending." And so that sounded good to me. Alder Wery, do you have anything else in here? Or are you still?

- I do, but I'll wait. And there's some other people here too.

- Okay, is there, I was going to say, is there anybody from the public, offhand, that is out there that might want to speak? Attorney Bungert, do you see anybody? Oh, I see somebody's raising their hand. I would entertain a motion to open the floor?

- [John] Motion to open the floor.

- Motion by Vander Leest.

- Second.

- Seconded by Lefebvre. All in favor, please say aye?

- [All] Aye.

- All opposed? That passes, unanimously. So, okay, I don't know how many are here, but I can, is somebody co-hosting here that could mention people?

- Alder Steuer, before we move forward. I just wanted to get that motion in, and then--

- All right. We did open the floor.

- Yes, so the floor is open. Before anybody speaks just in the interest of fairness and--

- Three minutes?

- Efficiency, yes, everybody will be restricted to three minutes. I'm not sure, I can share my screen to do the three minute countdown that Celestine was able to do last time, but I can give somebody--

- I've got a phone here.

- Okay, I can do it on my phone as well, and then--

- [Celestine] Sorry, hello, sorry, Joanne.

- Yes, hi, Celestine.

- [Celestine] Hi, yeah, I was in my office doing some work. Did you want--

- Do you want to handle this? Celestine, go ahead.

- Did you want the timer?

- Yes, that would be great.

- Yeah, go ahead.

- [Celestine] All right, could you just give me a couple of minutes and I'll get that set up.

- Okay.

- Okay. Otherwise we can start off and I can have, we can look at our, so we don't have to wait too long. If there's somebody here to speak, I can keep track of the first caller.

- Okay.

- If it's all right.

- I think we have Cinnamon Harley has raised her hand. If she would like to unmute herself, and then state her name and address for the record. And then we can start with her.

- Okay.

- [Cinnamon] Hi, I'm Cinnamon Harley. I live at 1198 Canterbury Road in Ashwaubenon. But I'm also a landlord, and I have 22 units that are actually in Green Bay. The reason I'm speaking is on behalf of other landlords, not only with the Apartment Association, but also for the other groups, and none of us are actually opposed to the housing ordinance part. We are, the landlords in Green Bay, are actually hoping to collaborate with other groups, agencies, and the community members, to develop plans to minimize the issues that people and families are facing looking for affordable housing. We've already started talking with several groups and agencies who are actually excited to join in developing plans in how we can help them find permanent housing and to reduce the homelessness that we have in our area. And the Wisconsin Apartment Association, the state portion of it, is also working on a plan that could help reduce homelessness that could potentially be implemented statewide. We, as housing providers, are serious about working to find real solutions to homelessness. We do not think the action that you're considering will actually help, but we want to work with the city, the county, and local agencies, to find real solutions to help everyone with this problem.

- Is that it, Ms. Harley?

- [Cinnamon] Yes.

- Okay, thank you.

- [Cinnamon] The minutes go fast.

- Thank you. Thank you for those comments. Anybody have a question of Ms. Harley at all? Otherwise we'll move on.

- [Celestine] Next we have Jeremy LeMere.

- Okay.

- [Celestine] Mr. LeMere, please unmute yourself and state your name and address for the committee.

- [Jeremy] Jeremy LeMere, 2648 Whitegate Trail, De Pere, Wisconsin. Also a landlord with multiple units in the Green Bay area, mostly duplexes, that sort of arrangement. Listening to the discussion today was rather interesting. It was actually the first understanding of what was on the agenda, as far as the adjustments to protected classes. But during the discussion, I'd like to just provide feedback that I think on many occasions, the complexity of the ordinance, being all combined, between employment and housing. Some of the details I think are getting lost underneath. Specifically the identification of HUD funded views on housing and promoting classes. They haven't fixed the protected classes on the federal level, but we're looking to do something tighter on the local level, in support of their own programs. And I think it's rather interesting that we're gonna tighten that up and try to do something locally, which is going to create a significant amount of confusion for the small landlords in the local market, where they're really focused on looking at the state level statutes today. And for those who end up with specific properties in Green Bay, will be subject to something that they may or may not be aware that they need to follow. While the process of offering, I'll call it protection, by using equal screening criteria, it will not insulate them from someone actually executing the opportunity to put a claim in. And then it allows individuals to actually, in a way, provide a significant amount of burden to them to prove that they're using the appropriate screening measures to get themselves outside of those particular cases. I don't think we talked at all about what that process would look like after they're kind of exposed to a potential claim, in trying to prove that their process is appropriate. And many of these folks don't have rigid processes because they have so few properties. So, I just would like to be very clear about the nuance of one protected class, that neither the federal nor the state level have addressed, but we're including it in the Green Bay ordinance. And I'm pretty sure--

- Thank you, Mr. LeMere. Anybody else have a question of--

- [Kathy] May I ask a question?

- Yes, go ahead.

- [Kathy] Yeah, you're saying that a lot of people don't, they go by the HUD ordinances and that, but would they, let's see, I'm trying to think. The city itself, I would assume they would not, maybe I shouldn't assume, but this should be put on the, either a website or it should actually go to the landlords, the ordinance itself, so that they can have that in hand so that they know that they were notified on these protected classes. It would protect them if they have this in hand and they know who the protected classes are. Would you say that would help?

- [Jeremy] I guess from my standpoint as a new, I'm not a new landlord anymore, but walking into it a few years ago, I wouldn't know to go looking there, given that the state level, if I'm in Ashwaubenon with my first property, and my second property is Green Bay, I wouldn't recognize to go somewhere else. Unless when I purchased the property, I received notice that there's some additional protected classes.

- [Kathy] Oh, just when you purchase new property? So the property that you already had, you won't be notified?

- [Jeremy] I can't answer that, but I'm just saying that if, because it's a Green Bay ordinance, and my first home were in Ashwaubenon, and I purchased my second one in Green Bay, I wouldn't realize that there's an additional set of protected classes unless I'm working with a local apartment association or something that raises that awareness.

- Alder Dorff, could you answer to that?

- I would just have a question. If someone was refused the ability to rent the property, Mr. LeMere, that you owned and you would give them the reason as whatever this protected class, you didn't want in your house or your property, couldn't, and if they said, "Well, I'm going to make a complaint, wouldn't you then take it upon yourself to find out what the ordinances are in Green Bay? Or in any city?

- [Jeremy] Correct, I'm typically more proactive than that and like to understand those items ahead of time. In this particular situation, I think the, one of two things concern me. One is the ability for someone to file a claim that, you're correct, that we may have specifically said that there's an income level issue, but yet at the same time, it doesn't stop them from filing the claim. The second one is if they do qualify for the property, and we put them in place, my understanding is it's gonna put the onus on the property owner to have to deal with the inspections and the resolution of all of those items to comply with meeting the requirements of the protected class.

- [Kathy] Can I ask a question, then, of, let's see, Attorney Bungert? Would we be, would it be too much of an onus for the city to, if we pass all this, and it passes the council, to put this, send a notification to the landlords in Green Bay, that they need to go onto a city site where this is posted?

- I'm not sure, I don't, I would actually kind of defer this to Attorney Mather if she's still on.

- [Kathy] Okay.

- [Vanessa] Actually, this is Attorney Chavez. What I would say is that the, once the ordinance is adopted, that is really the notice to all of the people in the city, anybody who's affected by this, that this is an effect. I don't know that there's anything that we would be able to do as far as getting it to specific people, unless they ask for it. Although, I don't see any reason with us doing some of those awareness campaign, essentially.

- [Kathy] 'Cause I would think that, well, yeah, we can notice this in the paper and that, but not everybody gets the Press-Gazette.

- Alder, we, the city has a pretty good relationship with the apartment association, they're very active. The Green Bay, Brown County Home Builders. I think that there'd be a way to disseminate that information through those groups at least, right?

- [Kathy] Okay.

- On social media, that type of stuff.

- [Kathy] Yeah. I'd like to answer this gentleman's concern. I can see the concern that you have to know what these protected classes are now, how the definitions on here for them to be kind of protected, so they know what's going on. And so that's just what I wanted to bring up. So I hope that, I'm sorry, I didn't write down your name, the gentleman who was just speaking. If he's still there, I hope that helps you. That this will be--

- Mr. LeMere.

- [Kathy] Yeah, will this, do you believe that this would get out to everybody?

- [Jeremy] I think the larger scale property owners will be well aware of it very quickly. It is those who enter the real estate market, and in a sense, become blindsided, if they're not affiliated with someone or mentored by someone in the local market, specifically Green Bay. This is a unique protected class compared to anywhere else in Northeast Wisconsin. So it is a little bit unique to place some of the categories into this window, when most folks are working off the state statutes.

- [Kathy] May I ask a question. Okay, if somebody's new and wants to, if they take over, say a house that was divided into apartments, wouldn't that landlord, the owner who had that, it's on their onus then to tell the new owner that these are the rules, that you have to go onto to city site or whatever, to find out this. And if it's a new, if somebody is turning something into an apartment, which wasn't before apartments, don't they have to go through the city? And then they would find out this ordinance? I'm not a landlord, and I don't deal in this kind of stuff. So I'm trying to find out myself.

- That has to go through the Plan Commission. And there's a whole list of things for that. Peg, we'll go to in a minute. Anybody else for Mr. LeMere?

- Mark, Chairman Steuer, I have a question.

- Go ahead, Alder Brunette.

- Mr. LeMere, thanks for speaking. Now, obviously you are speaking to the housing part of the equal rights ordinance. Were you aware that this would also cover public accommodations and hiring? Human resource related issues in this city?

- [Jeremy] I didn't, until I attended this meeting and heard that it's kind of all bundled into one ordinance.

- Now the reason--

- [Jeremy] Not that it would affect me. I don't have an employment status in Green Bay, so that part doesn't affect me, but the rental side does.

- Okay. The reason I state that, chairman, is Alder Wery's point is correct then, is that many members of the public are looking at this from a housing perspective, unbeknownst to them that it also covers every, basically every transaction in the entire city of Green Bay, in regards to public accommodations, and every hiring and firing decision in the city. Thanks, Mr. LeMere.

- Okay. Thank you, Alder Brunette. Anybody else for Alder Brunette? I'm sorry, for Mr. LeMere? Otherwise we'll move on. Okay. Do we, who else is next? Thank you, Mr. LeMere.

- [Celestine] If you'd like to speak, please unmute yourself and state your name and address for the committee. Peg, if you could unmute yourself?

- I would like to think that she's muted.

- Peg? Unmute.

- Yes.

- There you go.

- There you go.

- I'm Peg Ellingson. I live at 229 Irene Street in Green Bay. And I manage property for seven different landlords, and they're all like mom and pop, and they got into the rental market years ago, and now they're retiring. So I try to keep them abreast of changing regulations, and get their housing, keep it up to speed. But I know there's been a lot of pushback from some of them regarding accepting people on housing, because years ago, the people in the housing industry would have some accountability, the recipients would have some accountability, and now it seems they don't anymore in that these folks that are receiving funding, although I agree, a lot of them do need it, since there is no accountability to them, they don't tend to take as good care of the property as they should. And the landlord goes through all of these monetary expenses to make it past their standards, and go through all of their paperwork, and put a new lease and everything. And a year goes by, and they come back and reevaluate, and the tenant has done damage. And now they have to start over and do it again in order for that person to still receive their housing. And it makes a difficulty for the landlord to want to participate in this. And there are ways then that they find to get around it, like raising their standards, their income requirements, their credit score requirements. And we're not interested in making it more difficult for these people. We would just like to work together and find a way so that some accountability is there. And the people who are receiving these funds, don't just hide behind, "I'm a protected class. "You have to rent to me. "You have to put up with my nonsense." It's just the landlords then feel like these regulations are all put on them and forced down their throat. And like we said before, we don't oppose the bill. We're not trying to segregate away from people. But, the accountability factor has to come in somewhere. And if HUD's not doing the job, it seems like they're asking the municipalities to take on that responsibility and regulation for them. And I'm just wondering if that there's a chance that we would then be able to work with this commission that you're talking about setting up, to overcome some of these problems, instead of just putting a bandaid on it and making an ordinance, and then it should all go away.

- Peg, your three minutes is up. Thank you. But, we may ask you some questions.

- [Peg] Mm hm.

- Actually, Cheryl, if I could ask?

- Yeah. Thank you, Alder Steuer. I would just like to comment to that.

- [Mark] Yes, go ahead.

- Brown County has over 3,500 vouchers within the county. So, I just want to make sure that we don't just make this assumption that if you are on some type of a housing assistance, that you're a bad tenant. HUD provides a source of rent for tenants. It is totally up to the landlord to screen their tenants on this program. There is nothing that says, through HUD, that you can't deny someone housing if they have a poor background or the financial screening doesn't pass. So, that kind of tells me that I think maybe we need to, education would be kind of good with regards to the programs, for the voucher programs, 'cause they are a little different, they

do require leases. But I just want to make sure that landlords have the absolute ability to screen their tenants when they are renting to persons who have a voucher of any kind. I just wanted to make that really clear with the program.

- Is there any backlash, though, Cheryl? I think some of the landlords feel that there might be a backlash if they did that? If they have the rights, then somebody would come back and say, "You're prejudiced against me" or whatever?

- Good landlords have solid leases that they've had vetted out, that they use for everyone. The leases that are provided through the agencies that provide the vouchers are solid. So, I think that's where we need to educate landlords more on how the program runs, and how to best use those vouchers.

- Okay. Alder Dorff?

- Now, I don't know if this is the right time to say this or not, but I am perfectly fine with holding this till September 28th and noticing it as an equal rights ordinance. And also giving our attorneys some time to answer some of the questions that have come up, so they don't need to try to rush and get this done by September 15th. So I can ask for that now, or after you close the floor. I just wanted to notice you that I'm willing, very willing to have that, in case you don't want to continue the conversation tonight.

- I appreciate that. I think there are a number of questions. I know that some of the descriptions of the classes and that might seem a little heavy for a lot of folks. And then Alder Wvery did bring up the fact that it was, we're looking at a housing ordinance. So do all these others preclude, and we need to speak about those as well because they tie in with it? But I think there are a few questions, there really are. And I appreciate you bringing that up, Alder Dorff. Anybody from the committee?

- [John] I'd like to hear the, Mark? It's Alder Vander Leest?

- Yes, go ahead.

- [John] I'd like to hear, the people that want to chime in tonight, I'd like to definitely hear from all the people that have phoned in. I think it's very good. Thank you.

- All right. Attorney Bungert, do we have a few more folks? We're still open, the floor is still open.

- The floor is still open. I am not seeing any hands raised. If there's anybody who is connected who would like to speak, please go ahead and unmute yourselves. Again, is there anyone that would like to speak?

- Okay.

- I'm not seeing anyone.

- I would entertain a motion to close the floor?

- [John] Motion to close the floor.

- By Vander Leest, do we have a second?

- [Kathy] Second.

- Second by Lefebvre. All in favor, please say aye?

- [All] Aye.

- All opposed? All right. Well, Alder Dorff, I appreciate you bringing this forward, 'cause I think a lot of us have some questions. I don't think we're, I think a lot of us want to see fairness, we want to see some good things done, and I appreciate your efforts on all of this. I don't want to preclude that at all. So I would really, I'll talk to the committee, and if other alders want to chime in, I can accept holding this. And, Alder Dorff?

- No, I think what I wanted to see accomplished tonight was accomplished. We finally talked about it. We've never really talked about the individual pieces of this ordinance before. We've just kept holding it and moving

it and holding it. We've talked about it. And some legitimate questions came up. And I think that my purpose was to discuss it, and it finally got discussed. So I'm happy waiting until the end of September.

- Yeah. I wanted to mention that, 'cause we held it three times. So we didn't really talk about it. So thank you for that. Alder Wery, did you want to say something?

- Unmute. Thank you, Mr. Chairman. I have a question for whoever wants to answer it. But in reading the definitions and who this would apply to, from my reading it, it really looks like it would apply really to any, as Alder Brunette said, pretty much everybody, if you're a bar or a restaurant, if you DJ weddings or sell cakes, it would apply to you.

- I'm not sure, well, I'll have to look that over again.

- I'll answer the question for you, what you're asking, that's true. That's true under state law currently as well, and federal law.

- Okay. So what we're doing is we're adding, which you're gonna flesh out, I had sent you an email, while we were waiting, about if you could highlight, in yellow, here's why we're adding, that's not part of state or federal. Here is what we're adding. Because that's really what we'd be looking at. Everything else we're gonna refer off to state and federal. But what are we adding? And it looks, everybody's dancing around, but it looks that it'd be regarding the gender identity things, that's the big addition here. And it's come up, if you research this, in other cities it's discussed. Bathroom issues, does that apply here? That's gonna come up.

- That's actually, I addressed that at the July meeting as well. State law already says that places of public accommodation and amusement are allowed to discriminate, or I'm sorry, not discriminate, they are allowed to separate on the basis of sex with respect to toilets, saunas, locker rooms, showers, et cetera. And we've added a provision in our ordinance that says those same exceptions that exist under state law apply under our ordinance. So we're not talking about a bathroom bill, like some other cities have had court challenges on, and that sort of thing.

- Okay, perfect. No, I appreciate it. And if we're gonna discuss this in the future, then I don't really have any other questions right now. Thank you.

- All right. Thank you, Alder Wery.

- Alder Brunette?

- Alders, if there are, I'm sorry, Mr. Chair, if I could?

- Yes, go ahead.

- If there are specific questions that you would like me to answer in writing in advance of the next meeting, please feel free to email them to me. And that way I can answer them ahead of time.

- You bet.

- And then I don't have to try to do it on the fly.

- Appreciate it, Attorney.

- Well, Lindsay, or Attorney Mather, Chris, Alder Wery, brought that up, and I also talked about it too, some definitions that we need, just to have the information. And Alder Dorff was right in saying that we discussed it. And I think a lot of good points were brought forward. But there's some tweaking, I think, that needs to be done. And Alder Gerlach did some of that already. So, we just want to see something good, something fair, and something that will work. So thank you for that. Alder Brunette, did you, I thought you had your hand raised? Or not?

- Thank you. Alder Doff, I would recommend holding it, too, just for the sake of publishing it as equal rights ordinance.

- I think a lot more--

- That's what I said, yeah.

- And I agree, and thank you for that. And the reason I state that is to give the public, to get good feedback from the public on something that impacts them. I'm in favor of any robust conversation at the committee level, and then the full city council, and I think that accomplishes it. And I also agree with you, it accomplished starting the conversation here, and it was very nice to hear the perspective of the few landlords who spoke. Quite frankly, I hadn't really thought of some of their points when I read the ordinance. So, obviously I have my own opinions on the ordinance as written. I think we need to, as a city, look very closely at other ordinances like this that have been pushed in other municipalities that ended up in lawsuits. There was one way in Kentucky where a federal judge ruled in favor of the person who was accused of discrimination in that case. And that was current, that was an August. And so from the time of the original conversation in July, until now, a federal judge ruled one way. So we need to evaluate that. I don't want the city to get in a lawsuit unnecessarily, if we can add certain protections for religious people carrying out their conscience, their religious conscious, in making these decisions. And that's not necessarily my opinion. It's supported by the US Constitution. So I'm concerned about that. But above all, I think the main thing is, I'm definitely in favor of doing something or to allow equality in the city of Green Bay, and address some of the issues that we're seeing across the country, state, and within our own community. I'm not convinced that the ordinance as presented, as currently written, will accomplish that entirely. So I'm looking forward to a continued discussion. One thing that I find kind of odd, not in a bad way, just odd, is that Alder Gerlach mentioned that she approached, after reading this, and had some edits provided to the law department, or Alder Dorff, I don't know who she was referring to. Is that something that other alders are able to do? So when I read this ordinance before it goes to the public, at a committee meeting, can I ask that the law department change wording in the ordinance before it hits the committee?

- So to clarify, Alder Gerlach approached with some questions, and based on the questions, I actually made the decision to change the language. I'll let Vanessa speak to this in more detail about it.

- [Vanessa] What we accept are requests to clarify language, not to actually change substance.

- Okay. But that is a decision of the law office, because I don't want to drudge up private conversations, Attorney Chavez, but I asked for some language to be clarified and I was not given, in my opinion, the same latitude. So I want to make sure that we're being non-discriminatory in creating our nondiscrimination policy, quite frankly. So I'll have that discussion with you privately. I just wanted to address that 'cause Alder Gerlach mentioned that. I don't know if we want to get in the habit of individual alders, allowing individual alders to--

- Is this what's on the agenda right now? A point of order.

- No, it's not. No, hold on.

- I didn't think so.

- Fair enough.

- Hold on.

- It should be--

- Hold on. Hold on, Alder Brunette, I would, yeah, I would handle it with Attorney Chavez. Your point's taken.

- Okay. Thank you.

- All right. Anybody else? Otherwise, nobody else is out here?

- [Kathy] Mr. Chairman?

- Yes. Go ahead.

- [Kathy] I'm sorry with Alder Brunette. I'm a little concerned with the religion thing. We have how many different religious groups?

- Well--

- [Kathy] Sects or whatever, in this country, and I kinda, this kind of--

- Well listen--

- [Kathy] Opens up a can right now, a can of worms a little bit.

- Well, it'll be part of the discussion.

- [Kathy] Yeah, we're gonna have to talk about that.

- We're not gonna solve that tonight. We're not gonna solve that tonight.

- [Kathy] Yeah, right.

- That'll be a point of discussion. All right. Anybody else? Otherwise, I'd like to move on here. I'd like, somebody make a motion to close the floor?

- [John] Motion to close the floor.

- By Vander Leest, do we have a second?

- We already, alders, we already did close the floor.

- All right, no, I apologize. It's been a lengthy discussion here.

- [Kathy] Oh, we did?

- Sorry about that. All right. Well. So can somebody on committee make that motion then? Alder Stevens, you're back. You didn't hear the discussion, so I dunno if you want to, you're just observing now.

- What Alder Dorff proposed was a motion to hold the communication to the next Protection and Policy Committee meeting, which is September 28th. And to re-notice the item as a communication from Alder Dorff to research and create an equal rights ordinance for the City of Green Bay.

- Okay.

- So that would be--

- Some of the alders, Alder Lefebvre, are you good with that?

- [Kathy] Yes.

- Do you make that motion, Alder Lefebvre?

- Yes.

- Okay, do we have a second? Do we have a second?

- [John] Second.

- Alder Vander Leest? Any other discussion? All in favor, please say aye?

- [All] Aye.

- That passes, three to nothing. Thank you for all the discussion.

- Okay. I'm officially back.

- Okay. You're officially back. Okay.

- I had Alder Stevens on that motion, 'cause I noticed he was back at 7:19, so I added him.

- Okay, so he was part of the discussion then, or not?

- Yeah, he, not as part of the discussion, but he was on the motion to hold, he wasn't on the motions to open and close.

- Okay. All right. All right. Are we ready? Are we ready here?

- Yep, we are on to item number four.

- All right. Last but not least. We have the consideration with possible action on a request by Alderperson Wery to approve a resolution in support of the Green Bay Police Department. Alder Wery?

- Thank you, Mr. Chairman. I'm hoping this one will be an easy one. With a lot of the high levels of vitriol we've seen towards police departments around the country, I thought it would be good to work on something positive. And so I did ask, worked with Chief Smith, and he gave me a lot of the things that are in here, I know half was mine, half his. And I just, it highlights positive changes and approaches by our police department and recognizes them appropriately. And that's really all that it was meant for.

- Okay. Actually, I appreciate that effort, 'cause I, a lot of times we hear some proactive things from our police departments and sometimes that gets lost. And I appreciate having those bullet points there to do that, I'm very much in favor of this. I don't know, committee or alders, anybody?

- If I could, Mr. Chairman, I just wanted to say, the bullet points are there specifically because we will get asked a lot, "Well, what are you doing? "What is our police department doing?" And this is a good way to say, "Hey, look, "we're trying to stay ahead of the curve here."

- Okay. Thank you for that.

- [Kathy] Okay. Chairman?

- Any other alders? Yeah, go ahead, Alder Lefebvre.

- [Kathy] Yeah, I'm glad that these definitions are in here because this is clear for the public, too, to know what's going on. And to know that we are behind effective, responsible policing that our, we have a, I think we have a really good police department. And our chief of police, I support him a 100%. I believe that he believes in accountability and he demands it of his officers too. And I really think this is good the way it's worded. I really do like it.

- All right. Thank you. Alder Dorff? And then Alder Stevens?

- Oh, I was gonna say Barb.

- Oh, yeah, Alder Dorff?

- Yeah, I certainly agree and support having a resolution, recognizing the Green Bay Police Department. And I looked at this resolution, and I had Alder Wery know that there were some grammatical issues that I was concerned with, some wording I was concerned with. And then as I read through it more, those of you who have taken English, you know what parallel construction is, I was concerned that with that paragraph, with all the bullet points, it just didn't flow. It just didn't flow. And I think we could do better. Well then I actually was kind of concerned because as I was reading it, well, I put one of the paragraphs into Google and this is actually a plagiarized resolution in support of the Green Bay Police Department. It actually, I found it in Berea, Kentucky, had this identical resolution. And then I also found another city in Florida, in Highland in Florida, that had this identical resolution. And this is what I'd like to propose. I would like to propose a committee of four of us, including Alderman Wery, to come up with a unique resolution, specific to the City of Green Bay that shows our values and our reasons for supporting our police department. Not vote in favor of a plagiarized resolution. So I'd like to see someone like Alder Gerlach, who was an English teacher for many, many years, and oh, alder, for sure Alder Wery, because he had the idea. I'd like to be on it. And I'd also like to see Alder

Gerlach. I think I would like to hold this till September 28th and have us meet and come up with a Green Bay resolution that supports our Green Bay Police Department, and is very specific to Green Bay. What do you think about that?

- Alder Wery, do you have a--

- Yeah, sure, certainly. Well, I would say looking in here, point out what isn't Green Bay. All of those bullet points are from the chief that are up on the top. Do we not recognize and honor selfless and heroic service? Yeah, we do. Do we not rely on law enforcement officers to keep our neighborhoods safe and enforce our laws? We do. Do we not think they face the threat of violence and danger every day? Well, of course they do. So, I don't know what in there you would be opposed to?

- Yeah, I'm not sure. I know you, Alder Dorff, you talked about plagiarizing and such, but, I don't know, that might be a little harsh to me. But anyway, go ahead. Go ahead.

- I'm not opposed to this, the things it says. I am opposed to using something that another community created. I think that we're intelligent enough, and that we can create our own resolution, and we can pull in some things more specific to Green Bay. And that list of items, I don't think it's well done. I don't think the resolution flows, and maybe I would ask Alder Gerlach, if she, as an English teacher, has any ideas on this?

- Alder Gerlach?

- I don't wish to speak as an English teacher right now.

- Okay, sorry.

- I haven't really read it that carefully. I would just like to say that, this is the way I see it. I did read it. And I think we have the most amazing police chief and I think we are so lucky to have a man who's had such wonderful experience. And my assumption is that when you have a police chief like that, you can probably assume that you've got a great police force. And I am 100% behind our police force. And I would like to see a resolution that does support them. Personally, I've had very little experience with police in my lifetime. But since I've been an alder, my experiences have all been positive. But this is my concern right now. I think this is bad timing to just focus on supporting the police because there is always the danger, and I know it's not intended, I understand that, but there's always the danger, when you support one organization or one part of the community, that you inadvertently suggest to some others, or they interpret it that way, that they're being

left out. I would like to see, I'd like to work with Alder Dorff and Alder Wery on this, I'd like to see a resolution that really is truly Green Bay. And I would like to see, for example, one thing, I would like to honor our police force because they protect the First Amendment rights of all the people of Green Bay, because I want to honor the people who have protested in the last few months. And I know it's, there's been all kinds of problems. But I don't want to leave those people out. And I think this could be very insensitive timing if we're not thoughtful about it.

- Wow. Okay.

- [Kathy] Thank you, Alder Gerlach.

- All right. Thank you for that. You know, I mean, I'd love to be involved too, 'cause I think this is something that's very important. Alder Wery, are you okay with this? Are you all right with, I think that we'll have a good document, I know you're looking at it from, this is well enough. I know, I think you put some effort into it, but, can you take some of the advice that was brought forward and incorporate that or not?

- Your committee, Mr. Chairman.

- Yeah, I, my feeling is that I'd like to just tighten it up a little bit. I think it's good. I think it's very good. But I think, we are Green Bay. I'd like to be a leader on this. So I think we need to look at it specifically, and if we tighten it up a little bit, I think that would be a good route to go. And I want, definitely want you to be totally involved with this. So that's my thought.

- Mr. Chairman?

- Yes, go ahead.

- [Kathy] I'd like to make a motion.

- Yeah, go ahead.

- [Kathy] That we bring this to a committee of five now, and it would be yourself, Alder Dorff, Alder Wery, Alder Gerlach, and Alder Galvin, if he is amendable to it. To our next Protection and Policy. Or do you want to wait until the following? Let's see, that's the 28th, right? Does that give them enough time? Or they want to extend?

- Is that enough time? We're gonna have a big meeting with this ordinance. It's a time, and in a way I can see why you're, why are this time sensitive in a sense, because there's been a lot of rancor going on in the country and that. And I think we're trying to state that we're doing our best here. I, as far as the time, if it's not time sensitive, I don't feel that it's extremely time sensitive. I think we could do it for our next meeting. Is that all right with alders?

- [Kathy] And I would think that it's not gonna be a big drawn out one. I would think when we got five of you coming up with a good ordinance.

- Well my thought would be, yeah, go ahead, I'm sorry. My thought would be to have all five alders write up some of their things and we'll share that, ahead of time, so that when we get to the meeting, we'll have it pretty much an order. That's my thought.

- Yeah.

- Alder Brunette?

- Thank you, Chairman Steuer. I'll be honest, it's strange. To create a committee to author a resolution, I don't think we've every done that. Usually the city attorney's office, under the direction of the mayor or a city council member, will draft a resolution. Why do we need five people to draft a resolution to support our police? Either you support the resolution as presented or not. We have adopted resolutions that were based on other municipalities' resolutions. In fact, we just did one, probably like three or four months ago, there was some concern that people in the Asian community were going to be discriminated and targeted due to COVID. And there was something that came out of Minneapolis, I believe, and we passed it unanimously as a city council. So we basically replicated that and made it unique to Green Bay. So come on, we don't need a committee of five to draft a proclamation or a resolution in support of our police. What is presented, I think is a very valid, and it was drafted with Chief Smith's input. We can do what we can, do what you want to do as a committee, but I'll support this at the full city council. I see no reason to drag this out. Thank you.

- All right.

- [Brian] Chairman?

- A lot of opinions. Interesting. Oh, Alder Johnson.

- Thank you, Alder Steuer. And I'm just looking for, if the city attorney could chime in on this, if we are going to create a sub committee that is comprised of a majority of the members of this committee, would we not be violating walking quorum law if it is not a properly noticed meeting?

- That was a thought, yes, thank you for that.

- [Vanessa] What we do in that case is we notice it as a meeting of the parent body as well.

- Okay. And the only reason I bring that up, whether the committee, tonight's committee, chooses to create a committee to redo this or not, is neither here nor there to me. I just want to make sure that we are in compliance, if in fact, we do decide to create the subcommittee.

- [John] Mark, I'd like to make a comment.

- Yeah, go ahead, Alder Vander Leest.

- [John] I feel that we can support what Mr. Wery and our chief have talked about and discussed. I don't think we've gotta draw it out. I think it's very, very well done. And, regardless if it mirrors another municipality, if the Chief and Mr. Wery got together on it, it's fine, I think it's fine. So I'm gonna support what we have on the agenda right now.

- Okay.

- Thank you.

- All right. Alder Stevens?

- Yeah, I have a question or a comment. So, I read this, I feel comfortable with this, except for the last, "Enforcing the rule of law and protecting the innocent." My suggestion would be that we strike out innocent and we put protecting all.

- Are you, well, Alder Wery?

- Well, that's minimal. That's certainly a good change, yeah.

- The police department needs to protect everybody, just not the innocent.

- And I know Alder Dorff, go ahead, Alder Dorff.

- And there's other grammatical changes. But, my understanding is the police chief simply sent a list of things to Alder Wery, because Alder Wery asked him for a list of policies and procedures, et cetera. So he didn't really have any part in, well, of course he didn't have any part in writing the ordinance. Berea, Kentucky wrote the ordinance, or I'm sorry, the resolution, that was from Berea Kentucky. So I'm okay.

- Well, point of order, I just wanted to correct you. That is not correct. I sent this the way it is without his additions, and asked him what he thought of it.

- Oh, he might have thought it was fine.

- He said it looks perfect. So, to say that he didn't review it is not correct. And I wanted his input, I wanted his explicit input.

- I didn't say he didn't review it.

- Well, don't say that he didn't look at it.

- I didn't say he didn't look at it.

- Now Alder Dorff, you had wanted to bring something forward too, at the committee level. You weren't aware that Alder Wery was bringing something forward.

- Right.

- So how much different was your input for, on something like this, was it much different? I mean, did you--

- It was certainly more, it was, it was certainly more original than this is. And I'm not, not that I'm saying any of these things are bad things. I think it could be written differently.

- Well, I think, you've insinuated that a little bit by talking about plagiarism and stuff. And Alder Brunette did mention that we have looked at other ordinances in other communities. So the word plagiarizing, I think is a little strong. I'm not--

- Do you?

- Yes I do.

- He said it was from him. He said he wrote it, right in this meeting. I'm sorry, it's not strong. And maybe if we attribute it, perhaps we could do this, the correct way, and attribute it to Berea, Kentucky. Maybe we'd want to do that? I just think we could write one for Green Bay. I also agree with Alder Gerlach, that our timing is a little off by doing it right now. I think that people's nerves are still a little frayed from what's going on.

- You either stand for something or you stand for nothing. I'm fine with moving forward with this. And I want no part of your little five person committee. So do with it what you want. I'm gonna bring this up at Council. We've never done this for other just, resolution.

- Alder Gerlach, okay. All right, Alder Gerlach.

- Thank you, Mr. Chairman. And I'm not on the committee, but I wonder if I might ask, through you, whether Alder Wery would just be willing to put something in that states that the police protect the First Amendment rights, and to, again, to be sensitive to the fact that there are some people who perceive, correctly or not, a declaration supporting the police as perhaps being against them. And we just don't want to, we don't want to bait that insensitivity right now. Would that be okay?

- I think that's a good addition. That that is very good addition. Yeah, and I would just have the legal department draft that, whereas it would be an easy line to add.

- Thank you.

- So with that being said, then would that, Alder Wery, are you looking for that to be brought up at council the way, with those sort of changes?

- Yeah. Unless there's any others. But I think that's a good addition, definitely.

- I agree in a sense. I know I had talked about the committee of five, but Alder Johnson brought up a few things. If we discuss it at the committee right now, and we are discussing it, so I don't see why we can't make those minor changes now and just move forward. All right? So Attorney Bungert, do you have those two changes?

- So what we have is we had a motion by Alder Lefebvre.

- [Kathy] Lefebvre, yes.

- [Joanne] That didn't have a second.

- [Kathy] And I'll retract that. I'll make a new motion that we include the, I'm trying to remember what, Alder Gerlach is very, very good at stating things.

- Yes, Alder Lefebvre, so what I have in my notes, is we had a motion, so it would be a motion to amend, to strike the word innocent from the last portion, and change that to protect all. And then to add that police protect the First Amendment rights of the community.

- [Kathy] Okay. That's fine. That's my motion.

- That's your motion, to accept that?

- [Kathy] Yes.

- Do we have a second? Lieutenant Mahoney?

- I would just like to say, from the police officer perspective, it's very nice to have this motion. When you single out a certain amendment to the Constitution, to me, it diminishes. Every officer took the oath to uphold and protect. I understand the First Amendment is very passionate right now. But I know it's not mine, and you're doing it on the benefit of the department. But to me, if you single out one amendment, why aren't you including all of them? Because I took an oath to the Constitution for all amendments, not just the First Amendment. All of them. So when you single one out, to me you're doing a disservice to the Constitution for all the other amendments that myself and every other officer took the oath for.

- That's a good point.

- [Kathy] Okay, Mr. Chairman?

- Yes, go ahead.

- [Kathy] Then maybe we need to put that somewhere in here, also, at the bottom. But I think the first part, the First Amendment, because that's what people are so passionate right now, that we're all talking about. It needs to be noted first, maybe? And then police, but also, that all the police officers uphold--

- Well, Lieutenant Mahoney brings up a good point. The resolution is in support of the Green Bay Police Department. If you do do just one, the First Amendment and not include the others, according to him, they're the ones that enforce it. So, Alder Gerlach?

- I would then suggest, and I really appreciate the comment by Lieutenant Mahoney, that perhaps it should simply say that the police department protects the constitutional rights of people.

- Yeah.

- Okay. Okay, that's a good way.

- I'm good with that. Attorney Bungert, can you add that, accordingly?

- Yep. So I've changed First Amendment rights of the community to the constitutional rights of the community.

- Okay.

- So we could do a motion, so that would be the motion to amend, and then we would do a motion to approve as amended.

- Alder Stevens, did you have something first, Alder?

- Before we amend, is there any other thing that other alders would like to have added?

- I think that, I think it's good, but thank you. All right. So go ahead. Attorney Bungert, did you have that in?

- Yes. So we have those two changes, the changing of innocent to all, to protect all, and then upholding the constitutional rights of the community versus just the First Amendment. That motion was made by Alder Lefebvre, so we need a second.

- Before we do that, Alder Dorff, go ahead.

- I think we have to change never authorized, nor trained, add the E-D onto the before chokeholds, because that, otherwise it's not correct grammatically, in that bullet point. I think there was an apostrophe missing somewhere. And we also have emphasized deescalation, that shouldn't be a capitalized deescalation, make that a small D.

- Alder Dorff, would you like for that to just to make appropriate grammatical changes?

- Yep, definitely.

- Yes.

- There should be appropriate grammatical changes. That's definitely part of what needs to be done.

- All right. And that will be brought forward at Council We can look at it.

- Okay.

- All right. Are we good?

- Okay.

- Do we have a second?

- That should encompass all of that.

- Yes.

- Okay.

- And you'll put that in there, right?

- Yep, and to make appropriate grammatical changes. That's in there. Okay.

- Yes, thank you. Thank you, Alder Dorff.

- So we still need a second.

- Do we have a second?

- Second?

- Second?

- Second by Stevens. Any other discussion? All in favor, please say aye?

- [All] Aye.

- That passes unanimously.

- And now a motion to approve.

- Thank you for your input. I know that it's passionate and stuff, but we all, we like our police department. I think they've done a great job. But there was some good points. Feathers get a little ruffled on this kind of stuff, but I think it's important that we have the discussion.

- Alder Steuer, we now need to approve as amended.

- Okay. A motion, do we have a motion for that?

- Motion?

- I'll make a motion.

- [John] Motion to approve as amended.

- A motion by Stevens.

- Second.

- Seconded by Lefebvre. All in favor, please say aye?

- [All] Aye.

- All opposed? That passes unanimously.

- Okay?

- [Kathy] Mr. Chairman, I want to thank everybody. I guess we, sometimes we go too much ahead of ourselves. But I liked the discussions and I think we finally came to a good conclusion with everybody chiming in. And I thank that.

- Okay. Yeah. So, thank you for that. It's not always easy discussion, but I think it was good and I'm glad we had it.

- Mm hm.

- All right. My agenda got goofed up here, so what's next?

- Yes, we are the Liquor Violation Report for September 3rd.

- My favorite part. Lieutenant Mahoney?

- Yes. We had one violation during this time. A written warning was issued to the Getaway Bar for having a bartender operating without a license. A property referral was done. I can tell you our community police officers are monitoring that to make sure that does not happen again.

- Will there be, let me just ask if this continues, they could lose their license possibly? Or maybe that's an attorney question?

- Yeah, our normal steps is yes, they could be cited, then based off their citations, it could be brought in front of you for either revocation or non-renewal next year.

- All right. All right. Thank you for that, Lieutenant. Okay. So what's next?

- We just need to do a motion to receive and place on file.

- [Craig] Motion to receive and place on file.

- By Stevens.

- Second.

- Seconded by Vander Leest. Any other discussion? All in favor, please say aye?

- [All] Aye.

- All opposed? That passes unanimously.

- And we are onto adjournment.

- Who wants to do--

- Motion to adjourn.

- Motion to adjourn.

- Motion by Vander Leest, seconded by Stevens. All in favor, please say aye?

- [All] Aye.

- Thank you again for the spirited discussion, everybody. You're all great people.

- [Celestine] We're done.