



AGENDA OF THE PROTECTION AND POLICY COMMITTEE

MONDAY, DECEMBER 7, 2020, 5:30 PM

Virtual Meeting.

Public may join via Zoom.

A. Zoom Meeting Information.

1. This item contains information and instructions on the Zoom virtual meeting.

B. Roll Call.

C. Approval of the Agenda.

D. Approval of Minutes.

1. Approval of the minutes from the November 16, 2020 Protection & Policy Committee meeting.
2. Approval of the minutes from the October 8, 2020 & November 19 Special Meeting of the Protection & Policy Committee.

E. Regular Business.

1. Consideration with possible action on an application for an available "Class B" Combination license for Skaliwags High Cotton Club Limited at 217 N. Washington with a licensed premises description "all levels of address. 2 floors for business service, basement level beer cooler." (Previously licensed as Fox Heights LLC during the 2019-2020 license year).
2. Consideration with possible action on an appeal by Jennifer Seibert regarding the denial of her operator's license.
3. Consideration with possible action on a request by Ald. Chris Wery to review, with possible action, Ordinance 8.16 'Practice of Massage or Bodywork Therapy Requiring State License' and any other related ordinance. A revised ordinance is needed to combat actual and potential escort service and prostitution masquerading as massage business, previously discussed at the November 16 Protection & Policy Committee meeting.

4. For consideration and possible action on a request by Ald. Johnson to extend the temporary expansion of licensed premises through Dec. 31, 2021.
5. Consideration with possible action on a request by Ald. Scannell for the City of Green Bay to adopt the following ordinance: The levels of fluoride in the drinking water of the City of Green Bay will be determined by the recommendations of the city's Water Utility Manager and the Wisconsin Department of Health Services along with the consent of the municipalities the water utility serves.

F. Informational.

- I. The Liquor Violation Report for December 7, 2020.

G. Adjournment.

- 1) THIS MEETING IS RECORDED: THE VIDEO OF THIS MEETING AND MINUTES ARE AVAILABLE ONLINE AT www.greenbaywi.gov
- 2) ACCESSIBILITY: Any person wishing to attend who requires special accommodation because of a disability, should contact the City Safety Manager at 920-448-3125 at least 48 hours before the scheduled meeting time so that arrangements can be made.
- 3) QUORUM: Please take notice that a majority or quorum of the Common Council will attend this Protection and Policy committee meeting and will constitute a meeting of the Common Council for purposes of discussion and information gathering relative to this agenda.
- 4) REPRESENTATION: The party requesting the communication, or their representative, should be present at this meeting.
- 5) FOR ALL LICENSING ISSUES, the Committee may convene in closed session pursuant to §19.85 (1)(b) and/or §19.85 (1)(f) Wis. Stats., for the purpose of considering information with respect to licensing for a person, including financial, social, or personal information. The Committee will thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to take action on items discussed in closed session, if appropriate, and to consider the remainder of the agenda.

Virtual Meeting Instructions



Protection & Policy Committee Meeting 12-7-2020

Zoom Meeting Information

Join Zoom Meeting

<https://us02web.zoom.us/j/86745921466>

Meeting ID: 867 4592 1466

Passcode: 287035

One tap mobile

+19292056099,,86745921466#,,,,,0#,,287035# US (New York)

+13017158592,,86745921466#,,,,,0#,,287035# US (Germantown)

Dial by your location

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 867 4592 1466

Passcode: 287035

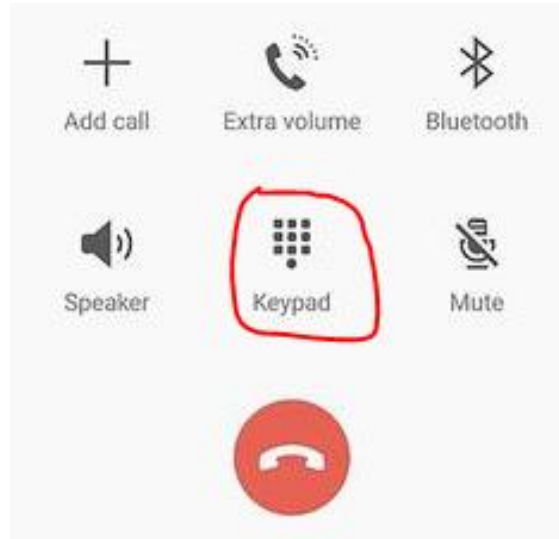
Find your local number: <https://us02web.zoom.us/j/86745921466>

Additional Information

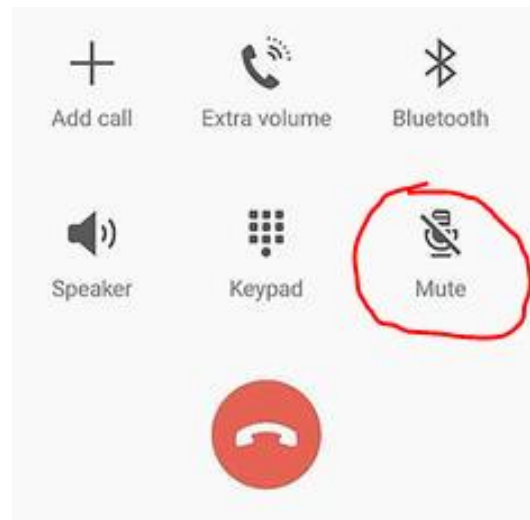
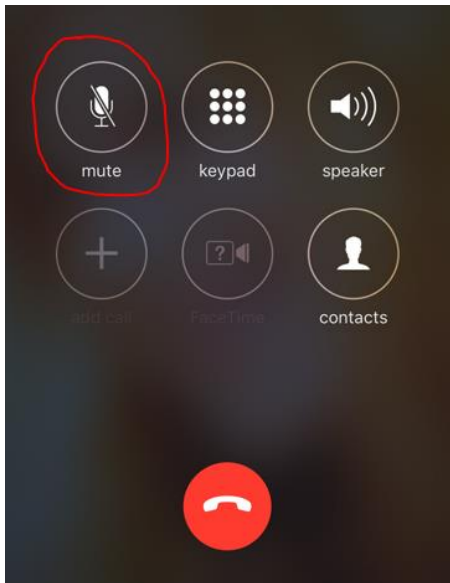
1. Wisconsin Open Meetings Law still applies
 - a. Persons interested in speaking to an item must give their name and address
 - b. Committee/Commission/Board members will still follow *Roberts Rules of Order*
2. All zoom meetings will have a password in the instructions. Please enter when prompted.
3. Please log into the Zoom meeting 10 minutes before the meeting starts to ensure proper technology is working.
 - a. If you are a Board Member, please log into [CivicClerk](#) with a computer, laptop, or tablet device.
4. Once you are in the meeting please mute yourselves.
 - a. You may unmute yourself when you are called upon to speak.
5. Waiting room
 - a. When you call in, all callers/participants will be placed in a “waiting room.”
 - b. Persons on the agenda will be admitted to the meeting, and then once the item is concluded, the host will permanently mute you from the meeting (you can still hear the meeting).
6. Using Zoom with a tablet or computer
 - a. Tablet—you will be asked to sign in. Download the app either with the Apple Store or the Play Store
 - b. Computer—you will be asked to sign in. You may download the app or click on the link to open Zoom in your browser.
7. Registering
 - a. The host may ask you to register for the meeting. A registration link will be sent to you along with the invite. You’ll receive another email confirming that you’re registered for the meeting.
 - b. If you’re using a phone, your registration will still be tied to an email.
8. Raising your hand
 - a. Committee members—you can either use CivicClerk and request to speak or you can “raise your hand” in the zoom meeting (you’d need to use a computer or tablet) to let the host know you’d like to speak. You can also un-mute yourselves and start speaking.
 - b. Persons on the agenda—you can “raise your hand” but you’d need to use a computer. You will be allowed to speak, per Wisconsin Open Meetings Rules, once the committee has “opened the floor for interested parties to speak.” Once the committee is finished with your agenda item, the host will mute you permanently, unless the committee opens the floor again.
9. What devices should I use?
 - a. Smart phone (please see more detailed instructions on page 3)
 - b. Land line
 - c. Tablet—well in advance of the meeting, please download the Zoom Meeting app before you join a meeting by using either the Apple Store or the Play Store. You will be asked to input your name, thus identifying you for the meeting. You’ll also be asked to verify your email.
 - d. Computer—well in advance of the meeting, please download the Zoom Meeting app, but you can also click on a link to open the Zoom Meeting in your browser. You will be asked to input your name, thus identifying you for the meeting.
 - e. For tablet and computer users—if you download the app you will be asked to verify your email.
10. Zoom etiquette
 - a. Muting yourselves when you’re not talking will prevent your background noise from interfering with others’ ability to listen to and participate in the meeting.
 - b. If you’re using a telephone, please identify yourself with your phone number and name before you speak. Zoom meeting hosts can see only your telephone number and will ask you to identify yourselves.
11. Closed session
 - a. Persons in the Zoom meeting will be put into a waiting room while the committee meets in Closed Session. Participants will be admitted back into the Zoom meeting once the committee reconvenes in Open Session.
 - b. Persons watching live on YouTube will see a gray screen with the City logo during closed session.
12. Persons interested in attending anonymously or listening to the meeting may call in by dialing *67 followed by the phone number above.

Calling into the Zoom meeting using a smartphone

1. Dial the phone number listed at the beginning of this document.
2. When prompted, enter the Meeting ID number followed by #
 - a. If you're using a smartphone, you can access the keypad by clicking "Keypad" on your screen



3. Once you are in the meeting, notify the meeting host that you are in and state your name.
4. If you do not need to talk, please make sure your phone is on **Mute**
 - a. If you're using a smartphone, look at your screen and click the Mute button



- b. If you're using a computer, you should see a Mute button in the Zoom application





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

MEETING DATE

December 7, 2020

PREPARED BY

AGENDA ITEM # D.I

Approval of the minutes from the November 16, 2020 Protection & Policy Committee meeting.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



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

MEETING DATE

December 7, 2020

PREPARED BY

AGENDA ITEM # D.2

Approval of the minutes from the October 8, 2020 & November 19 Special Meeting of the Protection & Policy Committee.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



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

MEETING DATE

December 7, 2020

PREPARED BY

AGENDA ITEM # E.I

Consideration with possible action on an application for an available "Class B" Combination license for Skaliwags High Cotton Club Limited at 217 N. Washington with a licensed premises description "all levels of address. 2 floors for business service, basement level beer cooler." (Previously licensed as Fox Heights LLC during the 2019-2020 license year).

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. Downtown Moratorium 2-16-98
2. license stipulation
3. 217 N. WASHINGTON_APPLICATION

RESOLUTION LIMITING THE NUMBER OF
LICENSED ESTABLISHMENTS IN AND AROUND
THE 200 BLOCK OF NORTH WASHINGTON STREET

Green Bay, Wisconsin
February 16, 1998

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

WHEREAS, the Common Council of the City of Green Bay is concerned with the present high concentration of licensed establishments in and around the area of the 200 block of North Washington Street. The high concentration of these establishments in this area has impaired the public peace, safety, welfare, and order; and

WHEREAS, there are currently seven establishments which hold a Class "B" Fermented Malt Beverage or Class "B" Combination Liquor License. The names and addresses of said establishments are:

Candlestick Lounge	119 North Adams St.
C Street	312 Cherry St.
Confetti's Club	217 East Walnut St.
Oasis	201 North Washington St.
Brewbaker's Pub	209 North Washington St.
Sowerby's Public House	217 North Washington St.
Maloney's Pub	219-221-223-225 North Washington St.

WHEREAS, pursuant to the powers reserved under Ch. 125 Wis. Stats., the Common Council wishes to limit the number of Class "B" Fermented Malt Beverage and Class "B" Combination Liquor Licenses, issued to establishments in and around the area of the 200 block of North Washington Street; and

WHEREAS, it is the intent of this resolution to allow present Class "B" Fermented Malt Beverage and Class "B" Combination Liquor Licenses to sell, maintain, renew or transfer their licenses within such area.

NOW, THEREFORE, BE IT RESOLVED:

1. Limitation Area. Any property within the following-described area:
 - a. North Boundary: The center line of Pine Street;
 - b. East Boundary: The center line of Monroe Avenue;
 - c. South Boundary. The center line of East Walnut Street.
 - d. West Boundary: The east shore of the Fox River.

RESOLUTION LIMITING THE NUMBER OF
LICENSED ESTABLISHMENTS IN AND AROUND
THE 200 BLOCK OF NORTH WASHINGTON STREET

Page 2

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

3. Exceptions.

- a. This subsection shall not prohibit the renewal of a Class "B" Fermented Malt Beverage or Class "B" Combination License for an existing premises in the limitation area.
- b. This subsection shall not prohibit the issuance of a Class "B" Fermented Malt Beverage or Class "B" Combination Liquor License for a previously licensed premises provided that such application is made within 60 days of any of the following:
 - i. Surrender by the prior licensee of the license issued for that premises; or
 - ii. Termination of the prior licensee's lease for the premises; or
 - iii. Revocation of the prior license, for cause.

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

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

19a

RESOLUTION LIMITING THE NUMBER OF
LICENSED ESTABLISHMENTS IN AND AROUND
THE 200 BLOCK OF NORTH WASHINGTON STREET
Page 3

4. Prohibition Not to Apply to Restaurants.

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

Adopted _____

Approved _____

Mayor

Clerk

LMS:bc

196.
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Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

December 7, 2020

PREPARED BY

AGENDA ITEM # E.2

Consideration with possible action on an appeal by Jennifer Seibert regarding the denial of her operator's license.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. APPEAL
2. siebert
3. Denial Memo - 12.7



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

MEETING DATE

December 7, 2020

PREPARED BY

AGENDA ITEM # E.3

Consideration with possible action on a request by Ald. Chris Wery to review, with possible action, Ordinance 8.16 'Practice of Massage or Bodywork Therapy Requiring State License' and any other related ordinance. A revised ordinance is needed to combat actual and potential escort service and prostitution masquerading as massage business, previously discussed at the November 16 Protection & Policy Committee meeting.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. werycommunication
2. DRAFT GO 34-20 - Repeal and Recreate 8.16 Massage and Bodywork Therapy Licenses

GENERAL ORDINANCE NO. 34-20

**AN ORDINANCE REPEALING AND RECREATING
SECTION 8.16, GREEN BAY MUNICIPAL CODE,
RELATING TO PRACTICE OF MASSAGE AND BODYWORK
THERAPY REQUIRING STATE LICENSING**

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

SECTION 1. Section 8.16, Green Bay Municipal Code, is hereby repealed and recreated to read:

**8.16 PRACTICE OF MASSAGE OR BODYWORK THERAPY REQUIRES
STATE LICENSING.**

(1) License Required.

- (a) The definitions set forth in Wis. Stats. § 460.01, as amended from time to time, are hereby incorporated by reference as if fully set forth herein.
- (b) No person who is required to hold a license under Wis. Stats. Ch. 460 for the practice of massage therapy or bodywork therapy shall practice that profession unless that person is licensed by the State of Wisconsin as required under Wis. Stats. § 460.02.
- (c) No person or business shall employ or contract for the services of an individual to practice massage therapy or bodywork therapy unless the individual is licensed under Wis. Stats. § 460.02.

(2) Penalty. Any person who shall violate any provision of subsection (1) shall, upon conviction, forfeit not less than \$1.00 nor no more than \$1,000.00. Each day that a violation occurs or continues shall be considered a separate offense pursuant to Wis. Stats. § 460.17(2).

(3) Advertising. No person or business who is required to hold a license under Wis. Stats. Ch. 460 shall advertise the availability of massage therapy or bodywork therapy to be performed within the corporate limits of the City unless that person holds a valid, unexpired license issued by the State of Wisconsin and otherwise complies with Wis. Stats. § 460.13.

SECTION 2. Section 8.20, Green Bay Municipal Code, is hereby amended to read:

8.20 PENALTY. Unless otherwise provided herein, any Any person who shall ~~violation~~ **violate** any provision of this chapter shall, upon conviction, forfeit not less than \$1 nor more than \$500, together with the cost of prosecution, ~~and in default of the payment thereof, shall be imprisoned in the County jail until such forfeiture and costs are paid but not to exceed 90 days.~~ Each violation and each day a violation continues or occurs shall constitute a separate offense.

This section shall not preclude the City from maintaining any appropriate action to prevent or remove a violation of this chapter.

SECTION 3. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 4. Effective date. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2020.

APPROVED:

Mayor

ATTEST:

Clerk

ljm

[Date]



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

MEETING DATE

December 7, 2020

PREPARED BY

AGENDA ITEM # E.4

For consideration and possible action on a request by Ald. Johnson to extend the temporary expansion of licensed premises through Dec. 31, 2021.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. JOHNSONREQUEST
2. DRAFT GO 41-20 Amend GO 20-20 Sunset Provision - Temp Expansion

GENERAL ORDINANCE NO. 42-20

**AN ORDINANCE AMENDING
GENERAL ORDINANCE NO. 20-20
RELATING TO TEMPORARY EXPANSION OF PREMISES**

SECTION 1. Section 2 of General Ordinance No. 20-20 is hereby amended as follows:

Section 2. Sunset Provision. This ordinance is hereby repealed effective ~~December 31,~~
~~2020~~ **June 30, 2021.**

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

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

Dated at Green Bay, Wisconsin, this _____ day of _____, 2020.

APPROVED:

Mayor

ATTEST:

Clerk

ljm

12/15/2020



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

MEETING DATE

December 7, 2020

PREPARED BY

AGENDA ITEM # E.5

Consideration with possible action on a request by Ald. Scannell for the City of Green Bay to adopt the following ordinance: The levels of fluoride in the drinking water of the City of Green Bay will be determined by the recommendations of the city's Water Utility Manager and the Wisconsin Department of Health Services along with the consent of the municipalities the water utility serves.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. SCANNELLCOMMUNICATION

Jaime Fuge

From: District Seven
Sent: Tuesday, December 1, 2020 8:45 PM
To: Pamela Manley; Jaime Fuge
Subject: Communication to P&P

For the City of Green Bay to adopt the following ordinance:

The levels of fluoride in the drinking water of the City of Green Bay will be determined by the recommendations of the city's Water Utility Manager and the Wisconsin Department of Health Services along with the consent of the municipalities the water utility serves.

Thanks,
Randy



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

MEETING DATE

December 7, 2020

PREPARED BY

AGENDA ITEM # F.I

The Liquor Violation Report for December 7, 2020.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. Report December 7 2020
2. 20LiqVio