

COMMUNITY PROTECTION & SERVICES COMMITTEE
June 3, 2019

A meeting of the Community Protection & Services Committee was called to order at 4:30 p.m. by Chairperson Williams in the Council Chambers, City Hall. **Roll Call:** Members Mr. Williams and Mr. Wiederanders were present. Ms. Reeths was absent. Also present were Mr. VanLieshout, Chief Porter, Chief Dietman, Captain Brinkman, Ms. Reinhardt, Mr. Olejniczak and Alderperson Hayes.

Moved by Mr. Wiederanders seconded by Mr. Williams to adopt the following agenda:

1. Roll Call
2. Adoption of Agenda
3. Public Comment on Non-Agenda Items
4. Consideration of: Draft Ordinance Regarding Quadricycles/Pedal Carts
5. Consideration of: Draft Ordinance Regarding Vaping
6. Consideration of: Combination Class B Liquor and Beer License for The Nautical Inn of Sturgeon Bay, LLC
7. Consideration of: Policy for Preparation of Agendas and Meeting Packets
8. Consideration of: Non-binding Cannabis Referendum
9. Adjourn

Public Comment

Jeffrey Godfrey, c/o Nautical Inn, 234 Kentucky Street, Sturgeon Bay, WI
Spoke on item number 6.

John Haring, c/o Nautical Inn, 234 Kentucky Street, Sturgeon Bay, WI
Spoke on item number 6.

Chris Kellems, 120 Alabama Street, Sturgeon Bay, WI
Spoke on item number 3.

Pedal Carts

Mr. Williams clarified that in the last meeting, it was recommended that Council approve the process for establishing an ordinance for pedal carts; not that pedal carts have been approved for usage.

Ms. Reinhardt indicated that Chapter 37 – 37.01 Commercial Quadricycle Licensing ordinance pertaining to open intoxicants, stated once the Committee and Council decides to move forward there would have to be an amendment regarding open intoxicants; the only language change would need to be the words “unless permitted.” Meaning, open intoxicants would not be allowed unless the proper permits are issued.

Captain Brinkman addressed a few changes to the ordinance:

- Battery assist on the pedal cart not meeting the ordinance as it is defined as a vehicle with fully operated pedals for propulsion entirely by human power. In speaking with the City Attorney, he prefers to leave “entirely by

human power” in the ordinance, with the understanding the battery will not be used for assistance and propulsion. The battery can be used for the operation of lighting and directionals.

- 37.03 (1), instead of putting a \$25 license fee for each commercial quadricycle managed by the person, it could be amended to read “according to fee schedule” as they will likely change from year to year.
- 37.03 (6) vehicle inspection, it reads “the City of Sturgeon Bay, or designee, by appointment out at the Department of Public Works.” Also change the \$25 fee to read “according to fee schedule.”

Mr. Wiederanders asked about the use of the battery assist for emergencies, or to help get up inclines. Captain Brinkman stated Wisconsin State Patrol recommends not having a battery assist at all; it becomes subject to the regulations of the State of Wisconsin under the definition of a motor vehicle. Mr. Williams suggested getting more information regarding the battery assist.

Ms. Reinhardt responded regarding the fee schedule; that would be brought up at the second reading of the ordinance at Council.

Ms. Reinhardt wanted to also clarify that the route approval in the draft ordinance needs to be amended to include the Fire Department. Once the routes are reviewed and approved by Fire and Police, it will come back to CPS who will then make a recommendation to Council for either final approval, deny or amend.

The routes have been received, but have not been approved yet.

Steve Delarwelle, c/o Sonny’s Pizzeria, 129 N. Madison Avenue, Sturgeon Bay, WI
They only concern would be in regards to the electric assist. If subject to motor vehicle regulations, they would like consideration to treating the pedal cart like a bus or limo which allows open intoxicants under current law. If used sparingly or as needed, wording can be written into the ordinance.

Moved by Mr. Wiederanders, seconded by Mr. Williams, to table this item until the next meeting in order to get more information, approve the routes and we get everything needed to move forward.

Vaping

Drafting an ordinance regarding vaping not available. This item will be tabled for the next meeting.

Nautical Inn of Sturgeon Bay, LLC

It was brought to Chief Porter’s attention by three different liquor vendors that the name on the license was different than the name of the person purchasing for the

establishment. It was discovered that on April 24, 2019 the liquor license had been surrendered to City Hall.

On March 5, 2019 the prior owners issued a letter to Jeffrey Godfrey that they were surrendering the license to the Nautical Inn effective March 6, 2019. A letter to Ms. Reinhardt, City Clerk, stated the Nautical Inn will have to complete an alcohol beverage retail license application, and submit the surrendered license to the City of Sturgeon Bay for a successful transfer.

On April 24, 2019 the original liquor license and surrender letter was brought into City Hall by Jeffrey Godfrey and John Harring and asked if the application could be back dated to match the surrender letter. That was not done. This means the Nautical Inn was operating a bar from March 5 to April 24, 2019 without a proper or valid Class B Liquor and Beer license. They were then notified they could not be open as a bar.

A new liquor license application was applied for on April 1, 2019 by Jeffrey Godfrey that had been denied. On May 6, 2019 a letter regarding unpaid property taxes was sent to the Brian Michaud of Continental Investors, the building owner.

On May 9, 2019 police officers heard music and a number of people at the bar of the establishment.

Lastly, Mr. Godfrey is on probation and in speaking with his probation officer is was learned that if Mr. Harring receives a liquor license for this establishment, then Mr. Godfrey will not be allowed to reside at the business. Mr. Godfrey is aware of this, and has filed a motion with a judge granting this. He is currently waiting for a response.

Based on his summary and documents presented, Chief Porter recommends denial of his liquor license application.

Moved by Mr. Williams, seconded by Mr. Wiederanders, to recommend the Common Council deny the request for a Combination Class B Liquor and Beer license for the Nautical Inn of Sturgeon Bay, LLC at this time, until presented with more facts at a different date and time for consideration. All ayes. Carried.

Preparing Agendas

Discussion occurred on proposed changes. Some items included:

- The term “staff” include the City Attorney?
 - At times there is a duty to bring issues forward to the Council; independence to do so would seem probable. Request should go to the City Administrator or City Clerk.
 - Most items put on the agenda is at the request of the Mayor or staff members; the City Attorney is not always the author of the item.
- Approval of an item would come to Council if the item is considered unfavorable by some.
- All committee agenda items should include an identification feature.

Moved by Mr. Wiederanders, seconded by Mr. Williams to recommend the Common Council approve the revised policy for requesting items to be placed on the Common Council or Committee agendas as discussed. All ayes. Carried.

Cannabis Referendum

Continual discussion on this topic occurred. Mr. Wiederanders supplied members with materials regarding fine amounts and decriminalization for those over 21. Also discussed was medicinal use and/or recreational usage options. It was decided the committee would continue to gather information and keep as an agenda item for the next meeting. Mr. Wiederanders stated he may be ready for a possibly recommendation in July.

Moved by Mr. Wiederanders, seconded by Mr. Williams, to adjourn the meeting of the Community Protection Services Committee. All ayes. Carried. The meeting was adjourned at 5:25 p.m.

Respectfully submitted,

Sarah Spude-Olson
Police Department
Administrative Office Manager