

Item 24-0314 Recommended Denial of an Operator License for Isaiah N.

Common Council

Wed, Apr 03, 2024 7:00PM

Mayor Jake Woodford 22:35

So, I have no other business to present. So, we'll move on now to public participation. We have two members of the public signed up to speak. Council reserves time at each of their meetings for members of the public to speak on items that appear on the agenda. And public participation is limited to a maximum of five minutes per person. And we'd ask that you please keep your comments concise, within the time limit, and mindful of the comments that have been made before you. With that we'll get into the list here, and first is Isaiah. Welcome. And your name and address for the record, please.

Isaiah N. (Applicant) 23:13

My name is [Isaiah N.]. My address is [XXXXX]. You don't need that area code or...

Mayor Jake Woodford 23:21

No, you're good.

Isaiah N. (Applicant) 23:21

Zip code. Sorry.

Mayor Jake Woodford 23:22

Yeah, that's fine. Thank you.

Isaiah N. (Applicant) 23:23

So, hello again. I was here last week. So, I am here disputing a denial of my bartenders license. And last week, they had had denied me, you know, they told me to keep trying. So, I'm here again, to talk to more of you. I know that I have—that there are reasons that I am not able to get it—like I'm—like I have to be denied. But I stand here before you hoping that maybe the persistence and the effort I'm showing you to show that I've become a completely different person than the man I once was, is enough to hopefully make you reconsider, and let me have my bartenders license.

Isaiah N. (Applicant) 24:06

I have the owner of the store I'm trying to manage right here to speak for me as well. You know, I know that you guys—they said your hands were tied. That's what my probation agent told me. But, you know, maybe we can untie them in some way or do something, so I'm here again, just hoping that there's maybe some way I can change your mind.

Mayor Jake Woodford 24:26

Thank you. Would you also like to speak?

Stacy K. (Glass Nickel Pizza - Owner) 24:29

Yeah, I would just like to say that—

Mayor Jake Woodford 24:32

I'm sorry. Stacy, if you could give us your name and address for the record, please.

Stacy K. (Glass Nickel Pizza - Owner) 24:36

[Stacy K. at XXXXX]. I always say Glass Nickel. I'm the owner of Glass Nickel in Appleton and the name of the Neenah Menasha location. And I want to thank the utility people for getting our lights and water and everything back on at the Appleton store. Menasha had no problem, but we were there 4:30 and you guys did a great job. Thank you. I didn't lose anything. [Note: there had been a snowstorm that knocked out power in the area.]

Stacy K. (Glass Nickel Pizza - Owner) 25:02

Anyway, um, Isaiah has been with me for a year. Yes, he did come out of prison. He was—one of my other employees had brought him into my Menasha store when I was there, and I thought, "Okay, whatever, I'll give him a chance." Didn't think it would last very long. But to my surprise, he's actually done an amazing job. Three months ago, four months ago, I promoted him as a manager. And I would like you guys to reconsider the bartending thing, because if he doesn't have his bartending license, he's not able to be in the position that he's in, and I really want to keep him there. He's a great employee, which is very hard to find nowadays. And so, I would like for you guys to reconsider.

Isaiah N. (Applicant) 25:55

Can I say one more thing quick?

Mayor Jake Woodford 25:56

Go ahead.

Isaiah N. (Applicant) 25:57

Thank you. Sorry. Um also the main reason that I need it, you know, like she said, is for me to be a manager, but I am not going to be a bartender. I just need to be responsible for the employees that are serving the drinks, the customers that come in, and anything that may or may not happen, because at night, the store is mine. I run it, and I take it very seriously. Thank you.

[Cut]

Mayor Jake Woodford 38:18

We'll take up the item from safety and licensing committee first. This is item 24-0314 recommended denial of an operator license for [Isaiah N.].

Mayor Jake Woodford 38:35

We have a motion and second to approve. All right—and I've just to be clear, so it's coming out of committee with a recommendation for denial. So, there's a motion now that's been made to approve, but I don't want you to be confused. The motion is to approve the action that was taken by committee which was the denial. So that is the motion that's now before the Council. I just wanted to make sure that that's clear as the Council takes up the discussion just so you know where we're at in the process. So, with that we'll open the floor for discussion from the Council. Any discussion? Alder Wolff.

Alderson Nate Wolff (District 12) 39:25

Thank you, chair. So, we took this up last week, and there was a question for the parole officer because they suggested to him that he could get this license or he would have no problem getting or with him getting one. And so that was a question we had, and we got an update on that this last week that the individuals didn't know about the law preventing him from getting the license. And I would like to apologize for you know, that mix up. That that shouldn't have happened to you.

Mayor Jake Woodford 40:08

Please address your comments to the chair.

Aldersperson Nate Wolff (District 12) 40:10

Sorry. This shouldn't have happened to this individual. It was really unprofessional of the probation officer to give false hope to something. Like we've said, our hands are tied, but I think everyone in this room would love to do that, or to give you this, but to give this to the individual (again, apologies), but we can't under state statute.

Mayor Jake Woodford 40:43

Alder Van Zeeland?

Aldersperson Katie Van Zeeland (District 5) 40:46

Well, Alder Wolff said a lot of what I was gonna say, but if perhaps we could have the city attorney explain why this specific item doesn't qualify for the evidence of rehabilitation. I think that's the question that we had, and his probation officer had thought that he provided him with those materials.

Attorney Christopher Behrens 41:20

So, in answering that, I'm going to refer everybody to the memo that you were all provided with which the police department goes into great detail. Out of respect for **[Mr. N.]**, I don't want to get into detail about everything that's in there and his past here in public meeting. But there's certain elements within that, that are basically exceptions to what can be considered, and because some of those items are in there, as that police officer outlines in the memo, it does restrict the level of discretion; it basically removes discretion from this body in in this case. And from what I understand, probation officer—not somebody associated with the city, and I'm assuming not somebody real familiar with how this type of licensing works—may not have fully appreciated it in in communicating to **[Mr. N.]** what his options may be and, and that's how we ended up where we are today. But the officer did a very nice job really outlining things in detail. If you have any questions about this, or you want to learn more about the process moving forward, that's actually a really nice resource for you right there in your packet.

Aldersperson Katie Van Zeeland (District 5) 42:39

I appreciate that. Could I just follow up? And just to be clear, this state law tells us what allows discretion. So, we are bound by the state regulation on this item.

Attorney Christopher Behrens 42:56

Yeah. I was talking to one of the attorneys from our office who staffs the meeting, and he said it very well. And it's essentially mandated by statute. It's a process of statute.

Aldersperson Katie Van Zeeland (District 5) 43:11

Thank you.

Aldersperson Kristin Alfheim (District 11) 43:15

Alder Siebers.

Mayor Jake Woodford 43:15

Alder Alfheim.

Aldersperson Kristin Alfheim (District 11) 43:15

Thank you, chair. I think the information is laid out in front of us. I hope that the gentleman continues on his path. And as a former restaurant manager, I understand we see talent and we want the best for them. We want to be able to hold them in our organizations and add value. So, my hope is that the owner continues to find success and [Mr. N.] does find success in this community and continues forward in that mission. It's unfortunately we can't make this happen. But continuing to success to you, sir.

Aldersperson William Siebers (District 1) 43:55

Thank you honor. I requested a separate vote not because I'm going to vote for it, but I just felt that since [Mr. N.] came forward plus his employer, that out of due respect we should take that separate vote. I regret that my vote is going to be a nay—that I'm going to vote for live in denial of the license. I wish I could vote differently but I can't.

Mayor Jake Woodford 44:23

Any further discussion? Alder Meltzer.

Aldersperson Vered Meltzer (District 2) 44:29

Thank you. Would it be helpful to have a notwithstanding vote to make it more clear?

Mayor Jake Woodford 44:36

I'm happy to have the vote notwithstanding. So, we'll explain that in a minute. Just want to make sure there's no further discussion on the item. Okay, there being no further discussion, this will be a vote notwithstanding. What that what that means is your vote—an aye vote would approve the license, a nay vote would deny the license. Okay? A nay vote would uphold the action of committee for denial. Everybody clear? All right, we have a motion and a second. Please cast your votes.

Mayor Jake Woodford 45:24

The item fails 13 to 1 with Alder Fenton abstaining. The license has been denied.