

MINUTES OF THE LEGISLATIVE COMMITTEE MEETING HELD AT THE GREENFIELD CITY HALL ON  
MONDAY, SEPTEMBER 27, 2021

1. Meeting Call to Order and Roll Call

The meeting was called to order by Alderperson Bailey at 6:32 PM.

Present: Alderpersons Denise Collins, Bruce Bailey, Shirley Saryan

Also Present: Brian Sajdak, City Attorney, Kristi Porter, Community Development Manager

2. Election of Chairperson.

Motion by Alderperson Saryan to nominate Alderperson Collins as Chairperson and Alderperson Bailey as Vice-Chairperson, Alderperson Bailey seconded to approve. On a roll call vote, motion carried unanimously.

Alderperson Collins is the Chairperson of the Legislative Committee.

3. Election of Vice-Chairperson.

Alderperson Bailey nominated and approved as the Vice-Chairperson of the Legislative Committee under agenda item 2.

4. Approval of the August 26, 2019 Legislative Committee minutes.

Motion by Alderperson Bailey, seconded by Alderperson Saryan to approve. Motion carried unanimously.

5. Discuss and adopt an ordinance to amend Section 21.04.0902 of the Municipal Code pertaining to Decks, Patios, and Porches/Breezeways being permitted in required front yards. (PC-8/10/21 Kastner, CC Date: 8-17-21)

Ms. Kristi Porter, Community Development Manager, stated that the current code does not allow decks, breezeways, or porches in the front yard. Older homes in Greenfield may not meet today's code because when they were erected in the 1950's or 60's, there wasn't a code prohibiting it. If a resident wanted to build a non-existing porch in the front, they would have to go to the Zoning Board of Appeals before building for approval.

Any ordinance for a zone code change requires a public hearing.

Mrs. Porter gave suggestions that the Legislative Committee could draft an ordinance allowing these structures in the front yard, or any resident looking to get these structures would need to go before the Zoning Board of Appeals, or draft an ordinance that would make modifications allowing all or some of these structures. The Plan Commission recommended no changes to the ordinance. These shouldn't be allowed and should go to the Zoning Board of Appeals. Previously, Alderperson Akers (not present) suggested adjusting the draft language so that existing non-conforming decks, patios, porches/breezeways in poor condition, can be replaced without going to the Zoning Board of Appeals, but only reconstruction of a one-for-one replacement

of that non-conforming structure. New construction would still need to go to the Zoning Board of Appeals for approval. The compromise was to allow porches and breezeways and deny decks and patios as they are seen as backyard structures.

After discussing definitions, Attorney Sajdak, recommended the compromised ordinance suggested by Alderperson Akers.

The Legislative Committee recommended drafting an ordinance to adjust the drafting language so that existing non-conforming decks, patios, porches/breezeways can be rebuilt as a one-for-one replacement of that non-conforming structure without having to go to the Zoning Board of Appeals and to add new definitions.

6. Regulation of Electronic Scooters. (Sajdak)

Attorney Sajdak stated that the statute changed to allow the City to regulate them by use, prohibit on or off street, decide what type of streets they are allowed on, or whether to allow the business of short-term rentals. The first type of regulation would apply to private use and that scooters may be required to be on streets where the speed limit is under 25 mph and they cannot go on sidewalks. The second regulation is the operation of rental companies. The City doesn't necessarily have wide enough sidewalks or areas where the scooters can be stored when they are not in use.

Attorney Sajdak proposes that he would draft a set of rules that is limited to certain instances, such as being limited to streets where the speed limit is 25 mph or lower. Scooters are required to be on the street and not on sidewalks because of the hazards they present, and to prohibit operation of rentals within the community.

The Legislative Committee recommended Attorney Sajdak's proposal.

7. An Ordinance Amending Sections 10.31 and 10.32 of the Municipal Code of the City of Greenfield as it Relates to Sex Offender Loitering and Residency Restrictions and Creating Section 1.35 to Create the Sex Offender Residency Appeal Board. (Sajdak)

Attorney Sajdak said that it is time to update the Code regarding sex offenders. The first update should be to clarify and tighten up the protected locations definitions. For example, the Code had swimming pools but not aquatic facilities, so the Code would need to be updated so that aquatic facilities would be protected. A recreational trail is another term that needs better definition. COVID changed the definition of school with virtual learning being done at home, so the Code may need updating to include just the school's physical location. The last update would be that the word "daycare" is eliminated from the list of places because it is defined a couple sections further down in the Code.

Alderperson Saryan brought up homeschooling issues. Attorney Sajdak said that there are two issues with traditional homeschooling as it relates to this ordinance. The first issue is the difficulty in highlighting that location as somewhere that an offender should be attuned to be thinking about. It is not that different from any other home other than that they don't send their child to a school. The second problem is keeping

the list current for those that are homeschooled and would need to be checked on a semester-to-semester basis. It becomes burdensome for the City and the school board staff to keep up with what students moved or transitioned in to or out of homeschooling.

The second update would be to modernize the purpose and intent language that was already in the Code. The primary reason is from case law and from other communities' experience that have been sued, it shows the court will defer to the city's code. In addition, the Code needs some clean up as there are some items that are said more than once. Furthermore, cleaning up the legal guardian and guardianship language issue and making it clearer and adding the appeal process, which is the key component. If the sex offender wants to reside in the community in an area that they are not supposed to, they have the ability to go before the Sex Offender Residency Appeal Board to plead their case as to why an exemption should be granted.

The map at the end of the packet may not be current because there is trouble identifying some of the daycares. The radius may change once the map is completed and if the City has a higher restricted percentage.

Attorney Sajdak's recommendation is to leave the map at a 1,000 foot radius with the understanding that as this moves forward, the Council will have the percentage information and will have a recommendation to tweak it as it moves forward. The new map would be generated so that the Council will be able to make a better decision.

Attorney Sajdak said that the Sex Offender Residency Appeal Board would be a new board and recommended 3-5 citizens from the community.

State legislature said local communities cannot have anything more restrictive than what the state has. The state created their own set of restrictions for those that are sexually violent offenders, which is a 1,500 foot radius but they have a limited set of locations.

Attorney Sajdak proposed that for sexually violent offenders, the City should adopt the state language as our code as it relates to those offenders, because it gives the City a better argument. Our code is more restrictive in that we have more restricted locations. The state restricts any school premises, child care facility, public park, places of worship, or youth center. The City of Greenfield Code restricts areas around a public park, a public swimming pool or other aquatic facility (not one of the state's restrictions), a public library (not one of the state's restrictions), a recreational trail (maybe argue as a park but it is unclear), a public playground (may be seen as a park, so also unclear), schools, athletic fields used by children (deviates from what the state says), and specialized schools for children (dance academies, gymnastic academies, swimming schools, etc., and not part of the state's restricted places). An approach to

the problem would be to say our list of facilities is the same as the state's (those five locations). We wouldn't have to change the radius and would be fine under the statute and wouldn't need a provision at all. If we wanted to keep some or all of those things, then we would need the special provision that says, "for these individuals, this is the set of rules that applies," and then adopt the state rule. We would have two sets of rules, one for the regular sex offenders and one for the offenders under the Chapter 980 release (the supervised predators). Their sets of rules would be different and the differences would be justifiable as those that are under Chapter 980 are under supervised release. They have counselors that they need to see on a regular basis. They've got staff from the Department of Corrections and have very strict rules, which may not be the same for a regular offender. Even under probation, the level of supervision is much lower for a regular offender.

Our Code, right now, does not distinguish between the two types of offenders.

Motion by Alderperson Bailey to amend Sections 10.31 and 10.32 of the Municipal Code as it relates to sex offender loitering and residency restrictions and to create Section 1.35 to create the Sex Offender Residency Appeal Board, seconded by Alderperson Collins. Motion carried 2-1 with Alderperson Saryan opposing.

8. Adjourn.

Motion by Alderperson Collins, seconded by Alderperson Saryan to adjourn at 8:05 PM. Motion carried unanimously.

Trina Kaminski, Clerk Specialist

Minutes transcribed by Trina Kaminski, Clerk Specialist  
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