

MINUTES OF THE LEGISLATIVE COMMITTEE MEETING HELD AT THE GREENFIELD CITY HALL ON
WEDNESDAY, DECEMBER 13, 2023

1. Meeting Call to Order and Roll Call.

The meeting was called to order by Alderson Bruce Bailey at 5:02 PM.

Present: Alderpersons Bruce Bailey, Shirley Saryan, Andrew Drzewiecki

Also present: Christopher Geary, City Attorney; Kristi Porter, Community Development Manager.

2. Election of Chairperson.

Motion by Alderperson Saryan to nominate Alderperson Drzewiecki as Chairperson, Seconded by Alderperson Bailey.

On a roll call vote, motion carried unanimously.

3. Approval of the April 3, 2023 meeting minutes.

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

4. Approval of the October 2, 2023 meeting minutes.

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

5. Discussion and possible recommendations as to possible moratorium, ordinance change pertaining to new beer, wine, and liquor stores and retailers.

Kristi Porter, Community Development Manager, explained the current zoning code and how it categorizes special use permits in regard to beer, wine, and liquor stores and retailers. A special use permit and public hearing are required if a new application is received for these establishments. An amended ordinance has been drafted that would eliminate the special use code pertaining to beer, wine, and liquor stores and retailers. If eliminated, new applications for these establishments would not be accepted and no new establishments would be allowed in the City. Direction from the Legislative Committee is needed on whether to direct staff to proceed and place that ordinance on a future Common Council agenda as a public hearing. The City currently has 24 locations where you can purchase beer, wine and liquor. These will be grandfathered and can continue operating. Christopher Geary, City Attorney, explained a recent law change that if the applicant can meet the conditions of a special use permit, as stated in the municipal code, they must be allowed to operate. The effect of this ordinance change is to no longer allow new beer, wine and liquor retailers. This use is a property right, so if someone else bought the existing business, they would have the right to continue operating. There are two approvals that would be required. One is the zoning piece and the second is the alcohol license. The City has a lot more discretion when granting alcohol licenses. You can't be arbitrary, but as long as you have a good reason for denying a license, that will be upheld by a judge. Under state law, once someone files an application for zoning approval, it is locked in time. However, they do need to apply for an alcohol license and there would

potentially be a separate review.

Motion by Alderperson Drzewiecki to have a public hearing scheduled and instruct Attorney Geary to finalize the draft of the ordinance to bring to Common Council, seconded by Alderperson Saryan. Motion passed unanimously.

6. Discussion and possible recommendations as to external storage of ice for sale at gas stations, other retailers.

Alderperson Drzewiecki explained he and Alderperson Saryan have had phone calls from gas station owners concerned about not being competitive with other establishments. Kristi Porter, Community Development Manager, explained that our zoning code currently does not allow outdoor storage and display of merchandise. Attorney Geary stated it is a policy, so you can allow some things and not others.

Motion by Alderperson Drzewiecki to approve making a revision to the ordinance to allow external storage of ice for the Common Council to review, seconded by Alderperson Bailey. Motion carried unanimously.

7. Discussion and possible recommendations as to overnight parking of commercial and recreational vehicles on City rights-of-way and residential properties.

Alderperson Drzewiecki has had complaints about overnight parking of commercial and recreational vehicles. Attorney Geary reviewed our current ordinances, and we currently have rules governing this situation. He said we could tighten the code a little, but it also takes enforcement, which is generally complaint driven. Alderperson Drzewiecki asked Attorney Geary to give recommendations about possible changes.

Motion by Alderperson Drzewiecki for Attorney Geary to review and suggest recommendations, seconded by Alderperson Bailey. Motion carried unanimously.

8. Discussion and possible recommendations as to possible ordinance concerning payday loan/auto title loan businesses.

Alderperson Drzewiecki explained his district is exposed to one of these businesses and is one of the lowest income areas in the entire City. He provided research about what other communities have done to further restrict how these businesses operate, so they cannot openly take advantage of the community. Kristi Porter stated they are special uses. She can draft an ordinance change to remove them from the zoning code, so no further applications can be received. Attorney Geary agreed we can move forward with an ordinance change.

Motion by Alderperson Drzewiecki to have Attorney Geary and Kristi Porter review the ordinance and zoning change and hold a public hearing for Common Council review, seconded by Alderperson Bailey. Motion carries unanimously.

9. Discussion and possible recommendations as to process for residents to appeal from/seek changes to City Code.

Alderperson Drzewiecki explained this pertains mainly with regard to potential ownership of chickens. Attorney Geary explained this is a contentious issue in many

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municipalities around the state. The State may be pre-emptive by saying no municipality can prevent a resident from having up to 4 chickens. We can still regulate what that looks like with location and coop size, etc., but we can't just prohibit it. It may be taken out of the local political process. There is a statutory process to appeal changes to the City Code, but it is complicated. Alderperson Saryan has a constituent who would like to have chickens and Attorney Geary suggested she let this person know the state is taking up this issue and to wait to see what happens.

Alderperson Drzewiecki stated no motions or decisions are needed on items 9 or 10.

10. Discussion regarding proposed State Legislative action relating to fowl.
No motion or decision needed on this item, discussion took place in item #9.
11. Adjourn.
Motion by Alderperson Bailey, seconded by Saryan to adjourn at 5:41 pm.

Minutes transcribed by Lisa Pelkey, Deputy Clerk