

MINUTES OF THE SPECIAL COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL ON THURSDAY, APRIL 18, 2024

A. Call to Order & Roll Call

The meeting was called to order by Mayor Neitzke at 6:00 PM.

Present: Alderpersons Andrew Drzewiecki, Bruce Bailey, Karl Kastner, Pam Akers, Shirley Saryan

Also present: Jeff Katz, Director, Neighborhood Services; Jennifer Goergen, City Clerk; Gina Vlach, City Planner; Christopher Geary, City Attorney.

B. Old Business

1. Election of Council President for a one year term (currently Saryan), (CC:4/16/24)

Aldersperson Kastner nominated Aldersperson Bailey.

Motion by Aldersperson Kastner, seconded by Aldersperson Drzewiecki to nominate Aldersperson Bailey.

On a roll call vote, motion carried 4-1, with Aldersperson Akers opposed. Those in favor were Alderspersons Drzewiecki, Bailey, Kastner, and Saryan.

C. New Business

1. Discussion and possible adoption of Ordinance regarding Creating Subsection 13.03 (18) Relating to Alcohol Licensing. (City Attorney)

City Attorney Christopher Geary spoke about the temporary moratorium on new alcohol licenses that would last for up to 90 days. It could be shorter if we close it out before that period of time. It would not affect businesses with existing licenses; therefore, it wouldn't interfere with the renewal period. It wouldn't affect temporary licenses, such as picnic licenses. He recommended a moratorium because it would slow things down so that they could organize what's allowed and what is not allowed and anticipate the unintended consequences. Mayor Neitzke agreed with Attorney Geary on this approach.

There was discussion about gaming machines, the types of licenses, that the Department of Revenue enforces, and that the ordinance would get vetted at the Legislative Committee.

Motion by Aldersperson Drzewiecki, seconded by Aldersperson Akers to approve. On a roll call vote, motion carried unanimously.

D. Adjourn

Motion by Aldersperson Akers, seconded by Aldersperson Drzewiecki to adjourn at 6:07 PM. Motion carried unanimously.

Jennifer Goergen, City Clerk

Minutes transcribed by Trina Kaminski, Administrative Assistant

Distributed: 4/23/2024

ORDINANCE NO. 3027

ORDINANCE CREATING SUBSECTION 13.03 (18) OF THE CITY OF GREENFIELD
MUNICIPAL CODE RELATING TO ALCOHOL LICENSING

The Common Council of the City of Greenfield do ordain as follows:

PART I. Subsection 13.03 (18) of the Greenfield Municipal Code is hereby created to read as follows:

13.03 - Intoxicating liquors and fermented malt beverages.

.....

“(18) *Temporary moratorium on receipt of new retail license applications.*

WHEREAS, the Common Council has noticed an increase in the number of businesses not traditionally associated with the sale of alcohol now applying for alcohol licenses; and,

WHEREAS, the City currently has 80 retail alcohol licenses issued, in total, providing significant availability of alcohol to a city with a population of approximately 37,000; and,

WHEREAS, the Common Council is concerned that a significant proliferation of new alcohol sales businesses, and new types of alcohol sales businesses, throughout the City could negatively impact property values by making nearby locations less attractive to businesses that do not want to locate in the immediate vicinity of businesses promoting the sale of alcohol; and,

WHEREAS, the Common Council is also concerned that a proliferation of businesses selling alcohol, including businesses that have not traditionally sold alcohol, will render underage alcohol sales enforcement more difficult and could render it easier for those under the age of 21 to purchase alcohol illegally; and,

WHEREAS, the Common Council is cognizant of the facts that alcohol abuse is a public health problem, that Wisconsin has one of the nation’s highest per capita rates of alcohol consumption (see, e.g., www.niaaa.nih.gov/sites/default/files/surveillance-report120.pdf), that impaired driving is also a health hazard, which can be impacted by convenience of purchase (www.cdc.gov/transportationsafety/impaired_driving/impaired-driv_factsheet.html#states), and the Common Council believes that the proliferation of locations at which alcohol can be purchased could exacerbate the public health ramifications of alcohol abuse; and,

WHEREAS, an alcohol license is a privilege, not a right, and whether a license should be issued to any particular applicant is a matter of local concern. See *State ex rel. Smith v. City of Oak Creek*, 139 Wis.2d 788, 801, 407 N.W.2d 901, 906 (1987). Moreover, municipalities, "under the broad sweep of the Twenty-first Amendment, are endowed with “something more than the normal” police power in regulating the sale of liquor in the interests of the public health, safety, morals, and general welfare." *State ex rel. Grand Bazaar Liquors, Inc. v. City of Milwaukee*, 105 Wis.2d 203, 217, 313 N.W.2d 805, 812 (1982) (citing *California v. LaRue*, 409 U.S. 109, 114 (1972)), and moreover the City’s discretion in regulating the licensing of intoxicants is also statutorily recognized. Sec. 125.51(1)(a), Wis. Stats.; and,

WHEREAS, for the reasons stated above, the Common Council has determined that it is appropriate, advisable, and in the best interests of protecting the safety and welfare of Greenfield residents and businesses to enact a reasonable, temporary moratorium on the issuance of any new retail alcohol licenses in order to allow time for the Common Council to expeditiously study current alcohol licensing trends, to assess the potential impacts thereof, and to discuss, determine and implement appropriate changes, if any, to the City's current alcohol licensing ordinances.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Greenfield that:

- (a) There is hereby imposed a temporary moratorium on the receipt or acceptance, by any City official or department, of any applications for new Class "A," retail "Class A," Class "B," retail "Class B," Reserve "Class B," retail "Class C," "Class A" combination, "Class B" combination, and provisional retail alcohol licenses; and,
- (b) This temporary moratorium shall become effective on the effective date of the adopting ordinance and shall remain in effect for 90 days thereafter, or until the date that this subsection is repealed by the Common Council, whichever event is sooner; and,
- (c) This temporary moratorium shall not apply to the receipt and processing of the following applications:
 - 1. Applications for the renewal of currently-issued alcohol licenses;
 - 2. Applications made as a result of the purchase of an existing licensed business;
 - 3. Applications for temporary Class "B" or "Class B" alcohol licenses;
 - 4. Applications for operator licenses, manager licenses, or any other license other than those listed in sub (a) that is otherwise provided for by City ordinance and by Chapter 125, Wis. Stats.
 - 5. Applications for restaurants with seating capacity in excess of 50 people.

PART II. This ordinance shall take effect and be in force from and after its passage and publication.

PASSED AND ADOPTED by the Common Council of the City of Greenfield April 18, 2024.

APPROVED:

ATTEST:

Michael J. Neitzke, Mayor

Jennifer Goergen, City Clerk