MINUTES OF THE LEGISLATIVE COMMITTEE MEETING HELD AT THE GREENFIELD CITY HALL ON MONDAY, SEPTEMBER 15, 2014.

The meeting was called to order by Ald. Bailey at 6:30 p.m.

1. ROLL CALL:

Alderperson Bailey	Present
Alderperson Lubotsky	Present
Alderperson Saryan	Present
Roger Pyzyk, City Attorney	Present

Also Present: Brad Wentlandt, Chief of Police
Darren Rausch, Health Officer/Director

2. It was moved by Ald. Saryan, seconded by Ald. Lubotsky, to approve the minutes of the June 16, 2014, Legislative Committee meeting as recorded. Motion carried unanimously.

06/14/2014 minutes Approved

3. Discussion and decision to create Section 3.12(11)(g) and 3.12(11)(h) of the Municipal Code relating to fees for Motor Home permits and Vehicle Sale permits (Wentlandt)

It was decided that this item would be carried over to the next meeting.

Disc./dec. create Sec. 3.12(11)(g) & (11)(h) of Mun. Code re. Motor Home permits and Veh. Sale Permits
NEXT AGENDA

4. Discussion and decision to repeal and recreate Section 8.06 of the Municipal Code related to the Parking of vehicles for sale in City owned parking lots (Wentlandt)

Police Chief Wentlandt explained that the revisions are a result of frequent city or resident complaints. This change would require a permit for those selling vehicles in this way, which would make tracking these cases easier. The permits would be sold at the Greenfield Police Dept. for a charge of $50.00.

City Atty. Pyzyk expressed concerns that the city parking areas would become used car lots. He recommended prohibiting the sale of vehicles on city-owned property, and having a notice to that effect posted on the City lots.

After further discussion it was decided that this item will be carried over to the next meeting.

Disc./dec. to repeal and recreate Sec. 8.06 of the Mun. Code related to Parkng of veh. for sale in City owned parking lots
NEXT AGENDA

5. Discussion and decision to create Section 8.20 of the Municipal Code related to the Parking of Motor Homes and Trailers on Public Streets, Public Property and Right of Ways (Wentlandt)

Chief Wentlandt explained that there have been frequent complaints about individuals with lawn or home improvement type businesses, or individuals with dumpsters or with campers or motor homes, parking their trailers on the street and use that space for storage. Since these trailers are not required to have a license, it can be difficult to trace the owners if there is a problem. This ordinance would say that: 1) It is not permissible to leave a trailer in the street unless it is connected to a vehicle. 2) It is not permissible to leave a dumpster in the street unless the Police Dept. is notified that it is there. 3) Parking a motor home in the street requires a permit, and is only allowed for 14 days in a calendar year.

Atty. Pyzyk agreed with Chief Wentlandt. He suggested the addition of the statement that "all city regulations governing overnight parking shall be adhered to even with a valid permit issued under this chapter." to make sure that they abide by the odd-even parking regulation.

After some further discussion, this item was also carried over to the next agenda.

Disc./dec. to create Section 8.20 of the Mun. Code related to the Parking of Motor Homes and Trailers on Public Streets, Public Prop. and Right of Ways
NEXT AGENDA

6. Discussion and decision to create Section 11.07 of the Municipal Code related to the Sale of Vehicles on Private Property (Wentlandt)

   Chief Wentlandt explained that this ordinance would require businesses to obtain a special use permit to display vehicles for sale on their property. Additionally it would prohibit residents from selling cars on their property unless the person selling the car lives at that address.

   Atty. Pyzyk recommended adding to the wording "unless the owner of the premises has obtained a special use permit for the sale of vehicles in accordance with the City's zoning code."

   A motion was made by Ald. Bailey, seconded by Ald. Saryan, to create Section 11.07 of the Municipal Code related to the Sale of Vehicles on Private Property, with the addition of the wording as stated by Atty. Pyzyk. Motion carried unanimously.

   Disc./dec. create Sec. 11.07 of Mun. Code rel. to Sale of Vehicles on Private Prop.
   COMMON COUNCIL

7. Discussion and decision to repeal and recreate Section 13.09 of the Municipal Code related to the Parades (Wentlandt)

   Chief Wentlandt explained that the Parade license is issued for several annual parades held in the City, and also for some occasional race events that are held using City streets. The application process needs to be updated for relevancy. The current ordinance has the process all handled by the Clerk's Office and Common Council. The Police Dept., Fire Dept., and Dept. of Public Works does not have input until the permit has been issued for the event. This change would have applications taken at the Police Dept. The Police Dept. could then meet with the Fire Dept. and DPW to discuss the route and any special considerations. Once that is satisfied, the Police Dept. would meet with the City Clerk and make sure that the notice requirements are met by those who are running the parade, and that they have proper liability insurance certificates. The City Clerk's Office would then issue the permit.

   A motion was made by Ald. Saryan, seconded by Ald. Lubotsky, to repeal and recreate Section 13.09 of the Municipal Code related to the Parades, as presented. Motion carried unanimously.

   Disc./dec. to repeal and recreate Sec. 13.09 of the Mun. Code rel. to Parades
   COMMON COUNCIL

8. Discussion and decision to amend Section 13.15 of the Municipal Code related to the Pawnbrokers, Secondhand Article Dealers and Secondhand Jewelry Dealers (Wentlandt)

   Chief Wentlandt explained that this is a proposal to clarify some of the language in our secondhand article dealer licensing process. One new requirement is to add sporting equipment to the list of reportable items, since they are items that get stolen and resold. There would also be a requirement for photos of musical instruments for distinguishing characteristics, and increasing the holding period for coins to ten days, and for jewelry to 30 days before reselling, and a "vending machine" prohibition, which would require buyer and seller both be present to conduct a transaction.

   A motion was made by Ald. Saryan, seconded by Ald. Lubotsky to amend Section 13.15 of the Municipal Code related to the Pawnbrokers, Secondhand Article Dealers, and Secondhand Jewelry Dealers, as presented. Motion passed unanimously.

   Disc./dec. to amend Sec. 13.15 of Mun.Code rel. to Pawnbrokers, Secondhand Article Dealers & Secondhand Jewelry Dealers
   COMMON COUNCIL

9. Discussion and decision to create Section 13.21 of the Municipal Code related to the Practice of Certain Trades and Professions Requiring State Licensing (Wentlandt)

   Chief Wentlandt explained the requirement of a State license for various professions in order to operate in the City of Greenfield. At this time, if individuals in these professions

are operating without a license, the City has no authority to enforce the requirement, since that is a State responsibility, and investigation by the State can take many weeks or months. This ordinance would require a valid State license if operating in Greenfield, and give the City a means of enforcement.

Disc./dec. to create Sec. 13.21 of Mun.Code rel. to Practice of Certain Trades & Profes. Requiring State Lic. ***COMMON COUNCIL***

A motion was made by Ald. Saryan, and seconded by Ald. Lubotsky to create section 13.21 of the Municipal Code relating to the Practice of Certain Trades and Professions Requiring State Licensing, as presented. Motion passed unanimously.

10. Discussion and decision regarding repealing and recreating Section 10.01 relating to weapons (Pyzyk)

Atty. Pyzyk explained that this change is updating the ordinance to reflect the new concealed carry law passed by the State.

Disc./dec. repeal & recreate Sec. 10.01 of Mun. Code re. weapons. ***COMMON COUNCIL***

A motion was made by Ald. Bailey and seconded by Ald. Lubotsky to repeal and recreate Section 10.01 of the Municipal Code relating to weapons, as presented. Motion carried unanimously.

11. Discussion and decision regarding repealing and recreating Section 10.02 relating to throwing or shooting of arrows, stones, or other missiles (Pyzyk)

Atty. Pyzyk explained that this change is recommended because of a new State law allowing the use of bow and arrows on private property. This change specifies that the arrow should be 6 ft off the ground, for reasons of safety to the properties surrounding the property that the bow and arrow shooter is on.

Disc./dec. repeal & recreate Sec. 10.02 of Mun. Code re. throwing/shooting arrows, stones, missiles. ***COMMON COUNCIL***

A motion was made by Ald. Saryan, seconded by Ald. Bailey to repeal and recreate Section 10.02 of the Municipal Code relating to throwing or shooting of arrows, stones, or other missiles, as presented. Motion passed unanimously.

12. Discussion and decision to create Sections 10.07(1)(f), 10.07(1)(g), 10.07(3)(c), 10.07(3)(d), 10.07(3)(e), 10.07(8), 10.07(9), 10.07(10), 10.07(11), and repealing and recreating 10.07(12)(a) related to electronic cigarettes and smoking prohibitions in certain areas. (Rausch)

Health Dept. Director Rausch introduced two members of the Greenfield Board of Health, and also Sue Martin of the Regional Tobacco Coalition, and Emily White from the American Cancer Society Cancer Action Network. Director Rausch explained the changes recommended for Section 10.07 of the Municipal Code. The changes are specifically related to electronic cigarettes in the City of Greenfield. Businesses selling e-cigarettes are allowed in the City of Greenfield. The changes recommended re-define electronic cigarettes, and makes public health suggestions for City grounds and vehicles, as well as restaurants and establishments throughout the City. This ordinance previously only related to tobacco smoking. The changes add electronic smoking devices, which includes things like e-cigarettes, e-hookahs, e-pens, and e-cigars.

Director Rausch continued, saying that the changes restrict sales and possession of electronic smoking devices to those over 18 years of age, which is consistent with other tobacco smoking products. This ordinance also prohibits the use of electronic smoking devices on school grounds, and also in work places including City Hall, City vehicles, and includes restaurants and taverns as outlined in the Wisconsin Clean Indoor Air Act of 2009, Act 12.

This ordinance is to create a standardization of smoking. At the moment we allow the use of electronic cigarettes in public places mentioned earlier, but this ordinance would apply the

same restrictions to the electronic-cigarettes as we have in place for tobacco smoking in the City.

Atty. Pyzyk asked if the State has incorporated the electronic cigarettes into the State Statutes. Director Rausch said that the State has not done this. There are a couple of municipalities in Wisconsin which have passed similar laws to this one, as well as many school districts which have passed laws prohibiting electronic cigarettes on the school grounds.

Atty. Pyzyk reiterated that these ordinance changes are defining smoking to include electronic cigarettes.

Ald. Saryan asked if there was evidence that the vapors from electronic cigarettes are harmful. Director Rausch stated that research data on this is very conclusive that the agents found in the electronic cigarettes are cancer-causing.

Emily White from the American Cancer Society added that there are so many different unregulated agents used in the cartridges of the electronic cigarettes, and that some of them are imported so we can't be sure of what is in them.

Sue Martin, Local Coalition Coordinator for Tobacco –Free Suburban Milwaukee County, spoke saying that there is overwhelming support for controlling the use of electronic cigarettes just like tobacco smoking. At this time these products are available in many stores and places of business.

Mary Kitten, member of the Greenfield Board of Health, spoke, stating that she does not want to wait 50 years to look through data to figure out that electronic cigarettes are harmful, as we did with tobacco cigarette smoking.

A motion was made by Ald. Lubotsky, seconded by Ald. Bailey to create Sections 10.07(1)(f), 10.07(1)(g), 10.07(3)(c), 10.07(3)(d), 10.07(3)(e), 10.07(8), 10.07(9), 10.07(10), 10.07(11), and repealing and recreating 10.07(12)(a) related to electronic cigarettes and smoking prohibitions in certain areas, as listed. Motion passed unanimously.

Disc./dec. create Sec. 10.07(1)(f), 10.07(1)(g), 10.07(3)(c), 10.07(3)(d), 10.07(3)(e), 10.07(8), 10.07(9), 10.07(10), 10.07(11), & repealing/ recreating 10.07(12)(a) rel. to electronic cigarettes & smoking prohib. in certain areas.
COMMON COUNCIL

13. Review of existing ordinances/procedures for update and/or clarification as the need arises (Bailey, Lubotsky, Saryan)

There were none at this time.

Update/clarify exist. ordinances.

14. Adjourn

Motion was made by Ald. Lubotsky, seconded by Ald. Saryan to adjourn the meeting at 8:10 p.m. Motion passed unanimously.

Adjourn

Respectfully submitted,

Susan Eichstadt
Recording Secretary

Distributed: 09/26/2014