

LEGISLATIVE/LICENSING COMMITTEE MEETING

Tuesday, August 15, 2023, at 4:15 p.m.

Caledonia Village Hall – 5043 Chester Lane

1. Call to Order
2. Approval of Minutes
3. Ordinance No. 2023-XX - An Ordinance To Amend Section 7-2-17(B)(1) Of The Code Of Ordinances For The Village Of Caledonia, Racine County, Wisconsin, Relating To Restrictions On The Issuance Of Liquor Licenses (*Legislative & Licensing Committee: 7/18/2023, 8/1/23*)
4. Public Hearing and Non-Public Hearing Document Review (*Legislative & Licensing Committee: 7/18/2023, 8/1/23*)
5. Suggested Agenda Items To Be Placed On The Next Meeting Agenda (With No Action)
6. Adjournment

Dated August 11, 2023

Joslyn Hoeffert
Village Clerk

Only committee members are expected to attend. However, attendance by all Board members (including non-members of the committee) is permitted. If additional (non-committee) Board members attend, three or more Board members may be in attendance. Section 19.82(2), Wisconsin Statutes, states as follows:

If one-half or more of the members of a governmental body are present, the meeting is rebuttably presumed to be for the purposes of exercising the responsibilities, authority, power or duties delegated to or vested in the body.

To the extent that three or more members of the Caledonia Village Board actually attend, this meeting may be rebuttably presumed to be a “meeting” within the meaning of Wisconsin’s open meeting law. Nevertheless, only the committee’s agenda will be discussed. Only committee members will vote. Board members who attend the committee meeting do so for the purpose of gathering information and possible discussion regarding the agenda. No votes or other action will be taken by the Village Board at this meeting.

LEGISLATIVE/LICENSING COMMITTEE MEETING
CALEDONIA VILLAGE HALL
5043 CHESTER LANE, RACINE, WI 53402
Tuesday, August 1, 2023

1. Call to Order

Trustee Martin called the meeting to order at 4:10 p.m.
In attendance were:

Committee Members: Trustee Martin, Trustee Pierce, and Trustee Hammes.

Absent: None.

Staff/Others Present: Also present were Village Administrator Kathy Kasper, Development Director Peter Wagner, H.R. Tyler and Attn. Ekes. Clerk Hoeffert was presented via teleconference.

2. Approval of minutes

Trustee Martin motioned to approve the minutes as printed from July 18, 2023.
Seconded by Trustee Pierce.
Motion carried unanimously.

3. Discussion on Change To Zoning Code to Allow Parking Lots As Not Just An Accessory Structure

Wagner highlighted the potential need for off-street parking and shared similar practices in other municipalities. The Committee thoroughly examined concerns about specifying it for day use only. Attorney Ekes suggested exploring the concept of flex zoning, and Wagner identified schools, colleges, churches, and other establishments as potential considerations for this change. The Committee also discussed examples from neighboring communities, distance from the principal use, safety precautions, usage, and limitations. Staff sought direction before proceeding, considering some members' concerns about the broad necessity for this code change and potential unintended consequences. Attorney Ekes explained "Flex Parking" in the City of Racine as an approach to prevent misuse of the intended use.

Trustee Martin proposed further examination and discussion of the pros and cons of the proposed amendment at the next meeting. Staff was directed to move forward and bring back pros/cons and additional information for consideration. However, no formal action was taken during the meeting.

4. Ordinance No. 2023-XX - An Ordinance To Amend Section 7-2-17(B)(1) Of The Code Of Ordinances For The Village Of Caledonia, Racine County, Wisconsin, Relating To Restrictions On The Issuance Of Liquor Licenses (Legislative & Licensing Committee: 7/18/2023)

LEGISLATIVE/LICENSING COMMITTEE MEETING

CALEDONIA VILLAGE HALL

5043 CHESTER LANE, RACINE, WI 53402

Tuesday, August 1, 2023

The committee deliberated on clarifying language 7-2-17(b)a and 7-2-17(b)b concerning the nonuse of licenses by owners. The committee addressed the numbering issue as well.

Trustee Martin asked to direct Staff to clarify Ordinance No. 2023-XX - An Ordinance To Amend Section 7-2-17(B)(1) Of The Code Of Ordinances For The Village Of Caledonia, Racine County, Wisconsin, Relating To Restrictions On The Issuance Of Liquor Licenses (Legislative & Licensing Committee: 7/18/2023).

5. Ordinance No. 2023-XX - An Ordinance To Create A New Chapter 21 Of Title 7, Weights And Measures Program Of The Code Of Ordinances Of The Village Of Caledonia, Racine County, Wisconsin

The Committee was not interested in exploring this at this time.

Motion by Trustee Hammes to table Ordinance No. 2023-XX - An Ordinance To Create A New Chapter 21 Of Title 7, Weights And Measures Program Of The Code Of Ordinances Of The Village Of Caledonia, Racine County, Wisconsin indefinitely. Seconded by Trustee Pierce. Motion carried unanimously.

6. Ordinance No. 2023-XX – An Ordinance Of The Village Board Of The Village Of Caledonia To Amend Section 7-1-26(D)(4) Relating To Chicken Coops (Legislative & Licensing Committee: 7/18/2023)

Motion by Trustee Pierce to approve and forward Ordinance No. 2023-XX – An Ordinance Of The Village Board Of The Village Of Caledonia To Amend Section 7-1-26(D)(4) Relating To Chicken Coops (Legislative & Licensing Committee: 7/18/2023). Seconded by Trustee Hammes. Motion carried unanimously.

7. Public Hearing Document Review

The Committee reviewed and discussed changes to the document that included:

- "Landowners" to "Landowner and/or current occupant" and added Astrick within 300 feet with a link to the Zoning Hub.
- Replaced "Testifying" with "Speaking."
- Applied the concept for public comments to the citizen report related to items on the agenda but not public hearings.
 - Include citizen report language in document that states “for anything that is not on the agenda, you have up to two minutes...”
- Moved Citizens' comments to the beginning of the meeting, and Public Comments to the respective agenda items.

LEGISLATIVE/LICENSING COMMITTEE MEETING

CALEDONIA VILLAGE HALL

5043 CHESTER LANE, RACINE, WI 53402

Tuesday, August 1, 2023

- The Planning Commission didn't understand citizen comments and their inability to respond after information was presented; rearranging the speaking order was suggested.
- The committee discussed how the President could establish a better placement for public comments to ensure the public is heard and the perception is clear.
 - The committee will speak to the President to address preferences for public comments placement.
- Public Hearing document can be made specific to the Planning Commission and used as educational pieces for public engagement.

Kasper liked the framework and suggested sending it back to staff for further review and modification. Trustee Pierce confirmed that she will also be included in the process.

Motion by Trustee Pierce to layover the decision until the next meeting. Seconded by Trustee Hammes. Motion carried unanimously.

8. Title 2 Chapter 6 – Ethical Standards Discussion on Language Revisions to the Ordinance (Legislative & Licensing Committee: 7/18/2023)

The committee discussed updating the language and revising the ethics code due to a recusal issue and concerns about conflicts of interest. Trustee Martin confirmed that the state statute, Chapter 19, was relevant. However, the goal is to reference the state more specifically to avoid confusion or accusations related to recusal and to provide clearer guidelines.

Motion by Trustee Hammes to have the staff bring forth a revised ethic code. Seconded by Trustee Pierce. Motion carried unanimously.

9. Committee and Commission Attendance Discussion on Ordinance Language Addition or Policy Formation (Legislative & Licensing Committee: 7/18/2023)

There was a consensus that a policy was needed to ensure accountability for meeting attendance, with the President or Chair having discretion for imposing punishment or excusing absences. The preference for a policy was established over an ordinance.

It was suggested to include this policy in the orientation packet for new members and have them sign it. Hoeffert and Kasper investigated the matter and were able to gather relevant language for a potential policy. The policy would address reporting procedures, the reporting authority, and the time frame for reporting call-ins. It would also outline board members' expectations regarding meeting attendance.

**LEGISLATIVE/LICENSING COMMITTEE MEETING
CALEDONIA VILLAGE HALL
5043 CHESTER LANE, RACINE, WI 53402
Tuesday, August 1, 2023**

Motion by Trustee Pierce to proceed with the policy. Seconded by Trustee Hammes.
Motion carried unanimously.

10. Suggested Agenda Items To Be Placed On The Next Meeting Agenda (With No Action)

Moonlighting or taking a second job in the Village is prohibited per policy. However, exceptions for part-time positions or public safety employees could be made whereas salary positions will remain disallowed.

11. Adjournment:

There being no further business, Motion by Trustee Hammes to adjourn the meeting at 5:39 p.m. Seconded by Trustee Pierce. Motion carried unanimously.

Respectfully submitted,
Joslyn Hoeffert
Village Clerk

LEGISLATIVE/LICENSING COMMITTEE MEETING
CALEDONIA VILLAGE HALL
5043 CHESTER LANE, RACINE, WI 53402
Tuesday, August 8, 2023

1. Call to Order

Trustee Martin called the meeting to order at 4:45 p.m.
In attendance were:

Committee Members: Trustee Martin, and Trustee Pierce.

Absent: Trustee Hammes was excused.

Staff/Others Present: None.

2. St. Rita's Festival Permit

Clerk Hoeffert explained that all the proper documentation had been submitted. The Fire Department will inspect the tents on the day of the event once setup has been completed.

Motion by Trustee Pierce to approve and forward to the Village Board. Seconded by Trustee Martin. Motion carried unanimously.

3. Adjournment:

There being no further business, Motion by Trustee Pierce to adjourn the meeting at 5:52 p.m. Seconded by Trustee Martin. Motion carried unanimously.

Respectfully submitted,
Joslyn Hoeffert
Village Clerk

Ordinance No. 2023-XX

AN ORDINANCE TO AMEND SECTION 7-2-17~~(b)(1)~~ OF THE CODE OF ORDINANCES FOR THE VILLAGE OF CALEDONIA, RACINE COUNTY, WISCONSIN, RELATING TO RESTRICTIONS ON THE ISSUANCE OF LIQUOR LICENSES

The Village Board of the Village of Caledonia, Racine County, Wisconsin, do ordain as follows:

1. That Section 7-2-17~~(b)(1)~~ of the Code of Ordinances for the Village of Caledonia be, and hereby is, amended to read as follows:

“SEC. 7-2-17 REVOCATION AND SUSPENSION OF LICENSES; NON-RENEWAL

~~(a)~~ ~~(a)~~ **Procedure.** The Village may revoke, suspend or refuse to renew any license or permit under this Chapter, as provided in this Section. Whenever the holder of any license under this Chapter violates any portion of ~~this Chapter 125 of the Wisconsin Statutes, this~~ Chapter or Title 11, Chapter 4, of this Code of Ordinances, proceedings for the suspension and revocation of such license may be instituted in the manner and under the procedure established by this Section.

~~(b)~~ **License Revocation or Suspension; Notice and Hearing.** License nonrenewal, revocation or suspension notice, procedures and hearing shall be as prescribed by Section 125.12, Wis. Stat.

~~(c)~~ **Grounds; General.** In addition to grounds set forth by applicable Wisconsin Statute, any license issued pursuant to this Chapter shall be subject to such further regulations and restrictions as may be imposed by the Village Board by amendment to this Section or by the enactment of new ordinances. If any licensee shall fail or neglect to meet the requirements imposed by such new restrictions and regulations, the license may be revoked in accordance with this Section. In case of revocation of any license or any violation of any provision of this Chapter in accordance with this Section or by the court or for any reasonable cause except the imposition of new restrictions, no refund shall be made of any part of the license fee.

~~“(db)~~ **Specific Cancellation of Premised Licenses.**

~~(1)~~ **Grounds; for Cancellation for Nonuse of License.**

~~(1)~~ **Grounds.** Nonuse of an issued~~Any~~ Class A or Class B Fermented Malt and/or Intoxicating Liquor Licenses granted under this Chapter

shall be grounds for revocation or refusal to renew such license when for which the subject premises:

- a. ~~The licensed premises~~ has ~~is not opened~~ is not open for business to the public within ninety days of the issuance of such license;
- b. ~~The licensee and is not utilizes~~ utilizing such license to conduct sales of alcoholic beverages in the full manner for which such license was issued ~~granted~~ within ninety (90) days of the ~~granting issuance~~ issuance of such license; ~~or (and thereafter continues to use such license accordingly actively); or~~
- ~~c.~~ b. ~~Is~~ The licensed premises is not open for business to the public and utilizes such license to conduct sales of alcoholic beverages in the manner for which such license was issued for a period of ninety (90) consecutive days or more; ~~or~~
- d. ~~The licensee is not~~
- e. ~~Is not open for business to the public and utilizing es such license to conduct sales of alcoholic beverages in the full manner for which such license was issued~~ granted for a period of ninety (90) consecutive days or more; or
- e. ~~The licensed premises is not open for business to the public~~ at least fifty percent (50%) of the days within any twelve (12) month period, either within a licensing year or overlapping two (2) licensing years.

(2) Village Board Review; Findings. ~~shall be cancelled unless, After~~ notice and hearing as provided in ~~Subsection (2) hereof~~ this Section, ~~if~~ the Village Board ~~shall~~ determines that good cause exists for the failure of the licensee to be open for business for periods in excess of the minimums set forth in this Subsection (d)(1) or for the failure to use said license in the full manner for which such license was granted as set for the in Subsection (d)(1) ~~If such cause is found to exist, then~~ the Village Board may set such ~~condition~~ terms as it deems appropriate ~~to for~~ the continuation of the license with respect to minimum days of operation or a time frame within which the subject premises must open for business and utilizing the license in the full manner for which such license was issued to avoid ~~cancellation~~ revocation or nonrenewal of the subject license(s).”

~~(2) Notice and Hearing. Prior to cancellation of any license, the Village Clerk shall notify the licensee in writing of the Village's intention to cancel the license for nonuse and provide the licensee with an opportunity for a hearing. Such notice shall also specify the time, place and date of the hearing, which shall be not less than fifteen (15) days after the date of the notice. Such hearing shall be conducted as provided in accordance with Section 125.12(2)(b) of the Wisconsin Statutes, or any amendments thereto. (~~

~~(c) — **License Revocation or Suspension.** License revocation or suspension procedures shall be as prescribed by Chapter 125, Wis. Stats.~~

~~(d) — **Other Provisions.** Any license issued pursuant to this Chapter shall be subject to such further regulations and restrictions as may be imposed by the Village Board by amendment to this Section or by the enactment of new ordinances. If any licensee shall fail or neglect to meet the requirements imposed by such new restrictions and regulations, his license may be revoked in accordance with this Section. In case of revocation of any license or any violation of any provision of this Chapter in accordance with this Section or by the court or for any reasonable cause except the imposition of new restrictions, no refund shall be made of any part of the license fee.”~~

2. This ordinance shall take effect upon adoption and publication as provided by law.

Adopted by the Village Board of the Village of Caledonia, Racine County, Wisconsin, this _____ day of ~~July~~ August, 2023.

VILLAGE OF CALEDONIA

By: _____
Thomas R. Weatherston, President

Attest: _____
Joslyn Hoeffert, Clerk

770272.100 (title 7) 8-10-23

Ordinance No. 2023-XX

**AN ORDINANCE TO AMEND SECTION 7-2-17 OF THE CODE OF
ORDINANCES FOR THE VILLAGE OF CALEDONIA, RACINE COUNTY,
WISCONSIN, RELATING TO RESTRICTIONS ON THE ISSUANCE OF
LIQUOR LICENSES**

The Village Board of the Village of Caledonia, Racine County, Wisconsin, do ordain as follows:

1. That Section 7-2-17 of the Code of Ordinances for the Village of Caledonia be, and hereby is, amended to read as follows:

“SEC. 7-2-17 REVOCATION AND SUSPENSION OF LICENSES; NON-RENEWAL

- (a) **Procedure.** The Village may revoke, suspend or refuse to renew any license or permit under this Chapter, as provided in this Section. Whenever the holder of any license under this Chapter violates any portion of Chapter 125 of the Wisconsin Statutes, this Chapter or Title 11, Chapter 4, of this Code of Ordinances, proceedings for the suspension and revocation of such license may be instituted in the manner and under the procedure established by this Section.
- (b) **License Revocation or Suspension; Notice and Hearing.** License nonrenewal, revocation or suspension notice, procedures and hearing shall be as prescribed by Section 125.12, Wis. Stat.
- (c) **Grounds; General.** In addition to grounds set forth by applicable Wisconsin Statute, any license issued pursuant to this Chapter shall be subject to such further regulations and restrictions as may be imposed by the Village Board by amendment to this Section or by the enactment of new ordinances. If any licensee shall fail or neglect to meet the requirements imposed by such new restrictions and regulations, the license may be revoked in accordance with this Section. In case of revocation of any license or any violation of any provision of this Chapter in accordance with this Section or by the court or for any reasonable cause except the imposition of new restrictions, no refund shall be made of any part of the license fee.
- (d) **Specific Grounds; Nonuse of License.**
 - (1) **Grounds.** Nonuse of an issued Class A or Class B Fermented Malt and/or Intoxicating Liquor Licenses granted under this Chapter shall be grounds for revocation or refusal to renew such license when:
 - a. The licensed premises has not opened for business to the public within ninety days of the issuance of such license;

- b. The licensee is not utilizing such license to conduct sales of alcoholic beverages in the full manner for which such license was granted within ninety (90) days of the issuance of such license; or
- c. The licensed premises is not open for business to the public for a period of ninety (90) consecutive days or more; or
- d. The licensee is not utilizing such license to conduct sales of alcoholic beverages in the full manner for which such license was granted for a period of ninety (90) consecutive days or more; or
- e. The licensed premises is not open for business to the public at least fifty percent (50%) of the days within any twelve (12) month period, either within a licensing year or overlapping two (2) licensing years.

(2) **Village Board Review; Findings.** After notice and hearing as provided in this Section, if the Village Board determines that good cause exists for the failure of the licensee to be open for business for periods in excess of the minimums set forth in this Subsection (d)(1) or for the failure to use said license in the full manner for which such license was granted as set for the in Subsection (d)(1), then Village Board may set such conditions as it deems appropriate for the continuation of the license with respect to minimum days of operation or a time frame within which the subject premises must open for business and utilizing the license in the full manner for which such license was issued to avoid revocation or nonrenewal of the subject license(s).”

2. This ordinance shall take effect upon adoption and publication as provided by law.

Adopted by the Village Board of the Village of Caledonia, Racine County, Wisconsin, this _____ day of August, 2023.

VILLAGE OF CALEDONIA

By: _____
Thomas R. Weatherston, President

Attest: _____
Joslyn Hoeffert, Clerk

How do Public Hearings work?

The attached letter is notice for an upcoming Public Hearing.

Public Hearing

noun

A formal proceeding is held to receive feedback from all interested parties – including the general public – on a proposed issue or action either as mandated by law or as a voluntary effort.

We want to take a moment of your time to not only notify you of the Public Hearing as required under State Statute and to address some frequently asked questions:

How does the Public Hearing process work?

If you're wondering about the Public Hearing process, the Village mails a formal notice to affected landowners.

- ✓ Hearings might be required by law or held voluntarily to garner public opinion on key issues. These could involve rezoning requests, changes to the Comprehensive Plan, proposed zoning amendments, annexations, or Ordinance revisions.

How can I know if a Public Hearing is about to take place?

If you've received this notice and are concerned about staying informed, the Village posts the agenda and additional resources for the hearing on the website every Thursday before the meeting. You're encouraged to review these materials before the hearing, either in the packet or on Zoning Hub: <https://caledoniawi.zoninghub.com/home.aspx>

How can I participate in the Public Hearing?

If you wish to participate, you must fill out a sign-up slip and give it to the Clerk. It's important to note that public hearings are not a dialogue or Q&A session between the public and an applicant or Village staff. However, your comments will be heard by the Staff and the Board/Commission, with responses provided after the Public Hearing is closed.

What are some tips for effective participation in a Public Hearing?

If you're speaking at a hearing, wait to be recognized by the President or Chair. Speak from the podium directly into the microphone. Clearly state your name and address before sharing your thoughts. Please maintain respectful interaction throughout, avoiding discourteous or derogatory comments. Public reactions such as booing, cheering, or clapping are not permitted.

What rules of procedure should I be aware of during a Public Hearing?

If you're attending a hearing, remember that the process is guided by the Village of Caledonia's Ordinance.

- ✓ **Introduction:** The Chairperson or President will introduce the matter to be considered.
- ✓ **Applicant Presentation:** The applicant (and/or the applicant's representatives) will briefly introduce and support the application.
- ✓ **Staff Report:** Village staff will describe the matter being considered, including the relevant authority, present the staff report, and offer proposed conditions and/or recommendations to the decision-making body. Members of the decision-making body may pose questions to staff or the applicant.
- ✓ **Public Feedback:** The Chairperson or President will open the public hearing and may announce a time limitation for speakers. Both proponents and opponents of the application are allowed to address the decision-making body. Members of the decision-making body may pose questions to the person testifying. At the close of testimony, Village staff may be asked to address any questions raised. The public hearing will be closed once each person on the sign-up sheet has testified.
- ✓ **Board Questions and Applicant/Staff Clarification:** The Board will then ask questions of the Applicant or staff, some of which may be based on the information provided by the Public during the Public Testimony. The Chairperson or President may invite the Applicant and staff to clarify any issues or questions raised during the Public Testimony related to the Applicant's presentation. Once all testimony is heard, the public hearing will be closed.

Citizen's Comment Guide:

All Village Board, Committee, and Commission agendas include citizen comments or public comments, offering an avenue for public remarks for *non-public hearing* items.

How can I Address a Village Board, Committee, or Commission?

If you'd like to comment on something that is *not* on the agenda:

- ✓ At the top of the agenda, there's a "Citizens Comment" portion reserved for public comment. Here, you can speak for up to two minutes on topics not listed on the agenda. It's important to understand that the comment won't be acted on during that meeting. Rather, the matter may be referred to future meetings or directed to staff, another Board, Committee, or Commission for further review.

If you'd like to comment on something that is on the agenda:

- ✓ At the discretion of the President or Chair, a secondary opportunity to speak might be granted. This, however, is strictly for items on the meeting agenda. Attendees should raise their hands to request to be recognized by the President or Chair if they wish to comment. The President or Chair may limit public comments to proceed with the business on the meeting agenda.

What rules of procedure should I be aware of during Public Comment?

- ✓ **Introduction:** The President or Chair will call the agenda item.
- ✓ **Staff Report:** Staff will provide a presentation on the matter.
- ✓ The President or Chair may invite public comment on the specific agenda item, or you may raise your hand to request to speak.
- ✓ **Inviting Public feedback:** If invited, wait to be recognized by the President or Chair. Clearly state your name and address before sharing your thoughts. Please maintain respectful interaction throughout, avoiding discourteous or derogatory comments. Public reactions such as booing, cheering, or clapping are not permitted.
- ✓ **Closing Public Engagement:** The President or Chair will close the public engagement.
- ✓ **Action:** A Motion on the matter will be made and seconded.
- ✓ **Deliberation:** Board, Committee or Commission members will ask questions and or debate the agenda item among themselves and with staff.
- ✓ **Voting:** The President or Chair will call for a vote on the matter.