

Street Terrace Policy Modifications
Municipal Services Committee
Mon, Oct 24, 2022 4:30PM

Aldersperson William Siebers (District 1) 41:42

Thank you. All right. Do I hear a motion? No, we don't need a motion on this do we? All right. We'll go to our action items. Now. We do need motions. 2210-78 approved modification to the city of Appleton street terrace policy. Do I hear a motion to approve?

Aldersperson Brad Firkus (District 3) 42:02

Move to approve.

Aldersperson William Siebers (District 1) 42:03

Second?

Aldersperson Joss Thyssen (District 8) 42:04

Second.

Aldersperson William Siebers (District 1) 42:05

All right. It's been moved and seconded. So somebody from public works? Can you speak to the policy? What number are you? Are you light up? There you are. Okay, Director Block.

Director Danielle Block (Department Of Public Works) 42:26

Thank you, Chair. Public Works has been working very hard to produce a street terrace policy revision that provides clarification, is clear on what is allowed with or without a permit, and when the fee applies, and when you would apply for a permit. So that's the intent of the policy.

Director Danielle Block (Department Of Public Works) 42:51

We acknowledge that it has gotten longer than the previous policy. Albeit we're, we're just trying to make it clear to a resident when there would be a need to apply or not. The memo attached was also to provide, I guess, guidance on how we structured it with Section A B and C. The existing policy was also included right before, with the largest revision being what's now proposed to be allowed without a permit and a fee being the vegetable gardens and mulch. DPW also kept the height of plantings in the terrace to 36 inches. Reason is explained in Section A is that it would still be compliant with our intersection sight distance ordinance. So I also included that visual just to show where 36 inch max plantings could be planted on private property, and that then the terrace would be in compliance as you approach intersections or are leaving a private driveway. So with that, we're here for questions.

Aldersperson William Siebers (District 1) 44:05

Aldersperson Hartzheim what number are you? Or you got it?

Aldersperson Sheri Hartzheim (District 13) 44:08

It's on. Thank you, Chair. Chair, I'm the alderman who called Director Block and asked about number four, because it didn't make sense to me before. And I appreciate that she and I kind of talked through it and we got to this point. However, I'm still super confused. And that could just be me, but I don't think it's just me.

Aldersperson Sheri Hartzheim (District 13) 44:30

I see these vision corners on these maps that come directly from our municipal code. But what's not included there is the terrace. This is a vision corner on the corner inside the sidewalk, not the terrace portion. So this number four doesn't even address the terrace in my opinion, because it doesn't look like it's at all talking about

things that are outside of the sidewalk and between the sidewalk and the street. Does that make any sense? So that's a point of confusion for me as well.

Alderson Sheri Hartzheim (District 13) 45:05

I, I get the intent of what was to be done here, but I don't think it does what the intent was. I think it actually makes it a little bit more confusing because now someone who's saying "I would like to plant some things on the terrace" says, "Oh, but I have to keep this corner of between the sidewalk and my driveway 10 feet." Well, that doesn't even tell me anything about my terrace. So that's, that's a point of confusion for me as well.

Alderson Sheri Hartzheim (District 13) 45:30

And then I did not speak with Director Block about this, but I'm reading five, number five, and five A, and they seem to conflict with each other as well. "Planting shall not be placed within two feet of the back of the curb." But then the next thing is "Plantings within two feet of the back of the curb, shall not exceed eight inches." Those two things are in direct conflict with each other. "Shall not happen" or "can happen at only eight inches." So again, all of these things are just points of—I think it just becomes more muddled than it was before. And I'm not sure that the intent of the resolution that Alderman Del Toro put forward is actually being met here. So I would hope to try to see if we can get some clarification in that regard. Thank you.

Alderson William Siebers (District 1) 46:23

Director Block?

Director Danielle Block (Department Of Public Works) 46:24

Here. To address the first question on the vision triangles. Certainly open to feedback if those visuals are not helpful. The idea is to provide guidance on why 36 inches within the terrace would be acceptable. It comes from [indecipherable] and federal guidelines related to sight distance of the average height driver inside a passenger vehicle, and 36 inches being the line of sight. If you read more into the ordinance that would be in there. The policy isn't intended to reiterate the entire ordinance. So if the committee feels it would be better just to you know, take four out and max 36 inches or whatever the committee decides we can certainly clean it up that way.

Director Danielle Block (Department Of Public Works) 47:12

Item five A and five B. The difference here is, in general, for roadways with designated on street parking, that's where planting should not be placed within two feet. For roadways with permitted parking—so you have the option to park there—we just said you could plant there, it just has to be at a lower height. So if you happen to park there, you can open your car door. And it wouldn't be as much of a problem, recognizing that perhaps people won't be parking there all that often. The differences is how the parking is permitted in those areas.

Alderson Sheri Hartzheim (District 13) 47:53

Might I follow up, Chair?

Alderson William Siebers (District 1) 47:53

Yes

Alderson Sheri Hartzheim (District 13) 47:54

Thank you. So number five then is actually a three part thing. One designated on street parking, two permitted parking, and three prohibited parking. Does anyone in this room know the difference between those three? How are we going to make our—how are we going to ask our constituents to know the difference between—Well, you guys don't count—But how are we going to make that clear to the general public? That's that's a point of confusion. Thank you.

Alderson William Siebers (District 1) 48:23

Okay. Alderson Meltzer. Grab one. We'll do the community mic.

Alderson Vered Meltzer (District 2) 48:29

Yes. Thank you. I really appreciate how much bigger this has gotten because I think that it provides more information to residents. I did want to speak to first to what Alderson Hartzheim brought up about number four. I do think that the pictures are where the confusion comes in. And if the pictures could maybe delineate like what part of the terrace has to be taken into consideration when you make sure that that vision triangle is not blocked? I think then it won't be confusing anymore as to what this picture is trying to tell you. Because Because I agree this picture isn't actually saying anything about the terraces right now but it could. It could and then and then I think it's all that valuable and helpful visuals to have. They just need a little bit more.

Alderson Vered Meltzer (District 2) 49:31

Yeah and then for for number five I feel like the—I guess I'm gonna pass on any comments with number five. I feel like if it was just maybe rephrased into just like points A, B and C. Maybe that would help resolve those issues but but I I think that this is a good policy. And I don't I don't have any other concerns at the moment.

Alderson William Siebers (District 1) 50:11

Wanna pass the mic over to Alderson Schultz?

Alderson Alex Schultz (District 9) 50:16

Thank you, Chair, I'll just keep moving on that topic. Graphics are incredibly important, especially for constituents and the public understand what is and isn't allowed. And this is a start. I think it is confusing that you have to extend those tangents on the triangles to include the terrace. But I think we need to do more than that. The sample policy from Madison and Alderson Del Toro shared had a significant number of very graphic illustrations and lots of different case scenarios for corner lots, lots with parking, a number of different variations, but it was really clear from those graphics where you could and couldn't take advantage of the terrace and plant flower gardens or vegetable gardens. And I think, my hope is that we'd incorporate some of that visual language because the visual cues are far more important. I'm reading this too, and I can try and interpret it. But it's confusing to me. And if I had a graphic that or a series of graphics that have sort of emulated my property or close to my property, considering, you know, do I have street parking or not? Do I live on a corner lot? If I do this as the graphic I can refer to? These are the spaces that are allowed and aren't allowed. So we need those graphics. And I think this is not quite where we need to be with those graphics. I'd like to see a series of them and do their best to incorporate all the different variables, which I think that Madison policy certainly did. It was far more extensive than something we need right now. But certainly graphics would be integral to communicate to the public, if they're going to look into this and see what they can do. So I'd really encourage staff to go back to that reference document, take a look at it, and see if we can pull more of those visual cues out of it.

Alderson William Siebers (District 1) 52:08

Alderson Del Toro, would you like to speak to this?

Alderson Israel Del Toro (District 4) 52:12

Thank you chair. My only comment is that I am very appreciative of the time and effort that has gone into this from municipal services. The staff is doing a great job. I also am of the mindset that the more explicit version, even though longer, is more appropriate and moving towards greater clarification. Pending minor changes, I encourage you all to support it.

Alderson William Siebers (District 1) 52:38

Comments from the committee? Alderson Meltzer, I apologize.

Alderson Vered Meltzer (District 2) 52:44

Thank you I have another comment that's not directly related to the structure of the policy but a constituent concern that came up. So as far as if anyone is not in compliance, like if someone is walking along and there's stuff hanging over the sidewalk, or stuff like that, what what would people do? How would they expect this to be enforced?

Alderson William Siebers (District 1) 53:11

Director Block?

Director Danielle Block (Department Of Public Works) 53:12

Thank you Chair. A customer service, either email or call into DPW, could be placed. And that would be entered into our system and it would go over to the inspections department for a field review.

Alderson Vered Meltzer (District 2) 53:27

Thank you. And then if the field review showed that they were not in compliance, would it be similar to like when you get a certain amount of time to mow your lawn or something like that? Or would they just get a fine right away? What would happen?

Supervisor Kurt Craanen (Inspections) 53:43

If it was a violation of 12-58, which is the weed ordinance, then there will be a fee. For the policy, we probably would handle a little differently. We'd probably send a letter out. So that's how that's how it would be different, if it's—whether it's high weeds or policy. It would be differently.

Alderson Vered Meltzer (District 2) 54:02

Thank you. I appreciate that.

Alderson William Siebers (District 1) 54:07

Alderson Schultz.

Alderson Alex Schultz (District 9) 54:09

Since you have the mic, and we're talking about weeds, this is always an interesting conversation about what what is isn't—

Alderson William Siebers (District 1) 54:15

Are we gonna stay with the terrace policy or?

Alderson Alex Schultz (District 9) 54:17

Yes, we are. This is germane to the weed conversation and what has allowed in the terrace and what isn't, and I guess I'd direct a question to Director Craanen. I'm curious to know, well first, given the changes here that we're considering adopting, do you foresee increased complaints and enforcement? Or do you feel like these things are happening now and this is just codifying an ordinance into the municipal code that people are essentially doing and the complaints will probably not rise given, given this new situation.

Supervisor Kurt Craanen (Inspections) 54:52

You're asking if I think there'll be more complaints and more...? I don't—I think there'd be less complaints because we're getting less restrictive with the vegetables and the mulch, but I—no I don't foresee this being increasing complaints at all.

Aldersperson Alex Schultz (District 9) 55:07

And then back to the weeds. If for some people a definition of weed is an unwanted plant species, it's a plant that they don't want. Now, for many people, dandelions are weeds. For many people, dandelions aren't weeds, and I—it's not on the noxious weed list. If someone has the terrace full of dandelions that exceed that height, you can obviously enforce it. But if it's less than that, there's really—that's an acceptable use of the terrace and people could have things that other neighbors might consider weeds, which many of them do. I guess that's I'm wondering what the point of contention if anything grows out of this. And maybe there's nothing to do but see what happens over time. But I'm always—I think the weed conversation is an interesting one, given that it's not well defined, unless you get to the noxious weed list, which is, you know, very, very well defined. I guess I don't have a question.

Aldersperson William Siebers (District 1) 56:03

Mr. Craanen do you want to respond to that?

Supervisor Kurt Craanen (Inspections) 56:05

Well, we do have a section of the code in the nuisance code about a natural landscape, which we do allow people to grow, basically a wild yard, with wildflowers and things like that, over eight inches, as long as they follow certain rules. They're there, they have to be a certain size. But that's all in private property. That ordinance does not apply to the terrace. We can do—we have way more leeway. And I think there might be something here that says, you know, if it gets out of control, we have discretion to say, Okay, this is not what we want. This is our property. And you would not use the nuisance code which talks about natural landscape. So do you understand how there's a difference between the two?

Aldersperson William Siebers (District 1) 56:47

Okay. Been moved and seconded to Okay. Aldersperson Del Toro. Okay. Aldersperson Van Zeeland.

Aldersperson Katie Van Zeeland (District 5) 57:03

Thank you. I was just wondering if we could clarify the difference between designated and permitted parking.

Aldersperson William Siebers (District 1) 57:10

Mr. Lom? Or

Eric Lom (City Traffic Engineer) 57:13

I will defer since I did not write this. I mean, I wouldn't say that. I would take that to mean that designated parking would be like marked stalls. And permitted parking would be non marked stalls where parking is permitted.

Aldersperson Katie Van Zeeland (District 5) 57:31

Thank you.

Aldersperson William Siebers (District 1) 57:33

All right. Aldersperson Doran.

Aldersperson Chad Doran (District 15) 57:36

Thank you. Can I just—I guess I'm just gonna start by asking staff, between the policy that we had and the new policy that's been proposed, what's now being allowed that wasn't? Or what is? What is there that now that might still be prohibited that wouldn't have already been allowed with the permanent under the old policy?

Director Danielle Block (Department Of Public Works) 58:03

I'll try answering it this way. Mulch and vegetable gardens are the two differences.

Aldersperson Chad Doran (District 15) 58:18

But if we had, if someone came in, came and requested the permit, those would still have been on under the old policy correct or no?

Director Danielle Block (Department Of Public Works) 58:29

They would have needed a permit for those. Correct.

Aldersperson Chad Doran (District 15) 58:32

Correct. Right. So save for the permit, they would have been allowed under the old policy. Someone could have gotten or been able to plant a vegetable garden or put mulch in if they came and got a permit

Director Danielle Block (Department Of Public Works) 58:44

And paid the permit fee. Correct.

Aldersperson Chad Doran (District 15) 58:46

Right. I guess the—I initially supported this back in the beginning as an opportunity to to allow some things maybe or make this a little bit easier for residents. But the more work we've put into this (and I do appreciate how hard staff has worked to try and clarify this) I just find the proposal getting more and more convoluted, and longer. And if the argument that we're making is that we need more graphics and more pictures to show residents what's allowed and what's not allowed, I think we're expecting too much. I don't think our residents are going to download a 10 page PDF to go out on their terrace and figure out where they can exactly plant a garden or what needs to be what height. When when we're talking about height differences for different sections of your terrace near your driveway and what's not. If we can still allow residents to do all of the things that the new proposal allows—excuse me. What I'm saying is, I guess if we, you know, if residents can still do all those things, under the old policy that just requires the permit, maybe the discussion we should be having is about changing that procedure, rather than trying to write a new policy that has, I guess, I think several of us have said has become a lot more convoluted and difficult for all of us to understand, let alone our residents.

Aldersperson William Siebers (District 1) 1:00:22

Any more comments? Aldersperson Firkus.

Aldersperson Brad Firkus (District 3) 1:00:29

Just real quick comment. I think no matter what we do is either going to be too vague or too specific and long. It's going to be kind of a darned if you do damned if you don't thing. I think the best advice we can give to residents is if you have questions, ask. That's always the safest bet to take with anything like this.

Aldersperson William Siebers (District 1) 1:00:46

I'll allow one more comment from the audience then that's it. Aldersperson Meltzer.

Aldersperson Vered Meltzer (District 2) 1:00:49

Thank you. Currently, there is a barrier of this fee, and this policy successfully changes that in a way that I think will be very helpful for our residents. Even if the majority of residents don't participate in this, the few who do might be a much larger number than we think. We do, after all have a city of more than 70,000 people. And I think that this policy—there is no other way to approach the project of how do we make it more accessible other than coming up with this new policy. That's exactly why we're here is that we had a vision of what we wanted to change, knowing how it would help. And this policy does that. So I think that, you know, if we add every single little change that we've talked about today into this policy, it still won't fill up the end of that third page there. There's no way we would turn into a 10 page PDF. Thank you.

Aldersperson Katie Van Zeeland (District 5) 1:01:56

Thank you, Chair. When we first started this process, I looked at the policy and said this was a little confusing. And then staff agreed that we would do education. And now I feel like we've combined the education with the policy. And that might be making things more confusing. And I guess I'm wondering what options we could have in just the simplified policy, and then education do it. Does staff recommend that they be together? Or would it be better possibly to split? And have—you know, for instance, the leaf situation. You know, we have right now education for the districts that are having the vacuum trucks come out and take their leaves. Could we do something like that campaign in conjunction with a policy?

Director Danielle Block (Department Of Public Works) 1:02:48

Thank you, Chair. I certainly think that's a possible solution. Staff had discussed a way to make this, maybe as simple as we could, take the existing policy, you would strike vegetable gardens and strike mulch from the top. Those two things would now be allowed without a permit application, proof of insurance, and the \$40 permit fee. I think questions that generated lead us down the path of a you know, a larger document. So it's certainly possible.

Attorney Christopher Behrens 1:03:26

I'll just jump in too on what Director Block said and remind the committee that this is in response to all the discussion and feedback that staff took in. And in their defense. I hate to see a moving target now where if we talked about well, let's scale it back. The directive was after all that feedback, create something that the public can look at and as a guiding document, and they made their best effort to do that.

Aldersperson Katie Van Zeeland (District 5) 1:03:59

Thank you. I just want to clarify that I wasn't stating we should go back I just would do those things in combination. I think you've worked really hard on this and I just want to make that clear. Thank you.

[The committee proceeded to vote 4-1 to approve the policy. Those who voted Aye: William Siebers (District 1), Brad Firkus (District 3), Katie Van Zeeland (District 5), Joss Thyssen (District 8). Those who voted Nay: Chad Doran (District 15)]