

Item 24-0754: Approve the request from Lil Taco for a street occupancy permit to place tables and chairs at 106 S. State Street

Municipal Services Committee

Mon, Jun 10, 2024 4:30PM

Aldersperson Denise Fenton (District 6) 24:08

Number 24-0754 approve the request from Lil Taco for a street occupancy permit to place tables and chairs at 106 South State Street.

Aldersperson William Siebers (District 1) 24:18

Move for denial.

Aldersperson Denise Fenton (District 6) 24:20

Okay, do we have a second for denial? Right. We don't. Is there a motion to approve?

Aldersperson Brad Firkus (District 3) 24:31

Move to approve.

Aldersperson Vered Meltzer (District 2) 24:32

Second.

Aldersperson Denise Fenton (District 6) 24:33

All right. We have a motion and a second to approve, and I'm going to call on Alder Siebers immediately.

Aldersperson William Siebers (District 1) 24:41

Thank you. Not too long ago we had a pretty extensive conversation discussion in regards to food trucks and limiting their time in regards to when they could operate downtown Appleton, and the reason for that was we were concerned with people after bar time congregating at these food trucks and problems arising. Obviously, we didn't do anything in regards to eliminate the hours of the food trucks.

Aldersperson William Siebers (District 1) 25:25

I don't know where I'm going to—and recently we approved tables and chairs in the vanity area of one of the establishments in the 500 block of West College Avenue which is a problem area, but that establishment stated at that at nine o'clock they were going to bring in the tables and chairs.

Aldersperson William Siebers (District 1) 25:54

The difference between that place and the taco place is, it says here, it says here—I'm getting the impression tables and chairs, but when I look at the picture, we're looking at picnic tables. And so, we're not—this establishment is not going to be bringing in the picnic tables. They are going to be out there. Which means in my ride along what I saw in the past, a lot of people after bar time is congregating in that area, and they are a problems in that area after bar time. So, if they wanted to take away the picnic tables I wouldn't have any problems with this and just have regular tables and chairs that they could bring in at, let's say nine o'clock, like the other establishment. But leaving these out 24 hours a day—I mean, this is just going to be a problem.

Aldersperson Denise Fenton (District 6) 27:04

Does anybody from staff want to comment on that?

Deputy Director Pete Neuberger (Public Works) 27:14

Director two please.

Alderson Denise Fenton (District 6) 27:16

You should still be on, right?

Deputy Director Pete Neuberger (Public Works) 27:17

Yes, thank you Chair. I guess my comment would be that their submittal is complete can say that much. And as far as I know, this is a cleanup of an existing condition. So those tables are out there today as is shown in the photograph and that city staff had identified that this was this was currently taking place without the required permit.

Alderson Denise Fenton (District 6) 27:47

Can I ask—so I know that there was—that the existing ordinance allowed them on College Avenue, that that area of State Street is considered to be part of the district and therefore they would be allowable there. Am I understanding that correctly?

Deputy Director Pete Neuberger (Public Works) 28:08

That is my understanding as well.

Alderson Denise Fenton (District 6) 28:10

So would we have any basis for denying the permit based on—I would understand that we couldn't deny a permit based on the physical location or the history. But is there any basis for denying the special use permit based on the permanence or movability of the—and I'm asking anybody legal or—what microphone?

Attorney Christopher Behrens 28:43

I think you'll look at the completeness of the permit but also if the committee can articulate other concerns basically based on public health, safety, welfare reasons for having tables in any location that would be a basis to deny. It just would be important for the committee to articulate what those concerns are.

Alderson Denise Fenton (District 6) 29:04

Thank you. I saw Alder Siebers first and then Alder Firkus.

Alderson William Siebers (District 1) 29:09

This established—this establishment can still and will—if we take the tables away, the picnic tables—they're not just individual; they're picnic tables. If we take them away, this establishment still will be open doing business, selling out of their restaurant like they've been doing for quite some time, like a food truck almost. So, it's not going to hurt their business at all. It's just going to prevent people from congregating and, sad to say, make it an opportunity for problems to arise.

Alderson Denise Fenton (District 6) 29:54

Alright, I saw Alder Firkus, next Meltzer, and then Hartzheim.

Alderson Brad Firkus (District 3) 29:58

Thank you, chair. So based on—I think Alder Siebers raises a really good point about the chairs and the permanency. Definitely something I hadn't thought about before he made those comments. Am I understanding

then we could pass this with a contingency that whatever seating arrangement is placed out there would have to be brought in by a certain time each day? Would that be within our purview?

Deputy Director Pete Neuberger (Public Works) 30:20

Director two, please. Thank you. I would need to do some research on the wording of the code to be able to answer that question.

Alderman Brad Firkus (District 3) 30:39

Okay. I mean, under—with that assumption, then I'd like to make a motion to hold for two weeks to just allow time for that. I'm assuming there is no—I mean, I'm sure they would like to have this shored up as soon as possible, but I'm also assuming that we can probably take two weeks into this if just to make sure on that. That's okay.

Alderman Vered Meltzer (District 2) 31:01

I'll second the motion to hold.

Alderman Denise Fenton (District 6) 31:04

All right. We have—

Alderman Vered Meltzer (District 2) 31:05

Can I?

Alderman Denise Fenton (District 6) 31:06

Yes, go ahead.

Alderman Vered Meltzer (District 2) 31:07

Okay. Yeah, I really appreciate the motion to hold. I think that Alder Siebers has some really great insights, but I think also Alder Siebers is not a member of the police department, and I don't see any of them here. So even though you've done a lot of ride-alongs I—

Alderman William Siebers (District 1) 31:30

Madam chair, I was going to request that we get a report from the police department on this.

Alderman Vered Meltzer (District 2) 31:35

Yeah, I would definitely before taking a vote on this, I would like to hear some more clarification from APD as far as the presence or absence of the tables at all, and then see if Alder Firkus's suggestion about requiring these to be brought in at night, if that would be sufficient. If that would alleviate the problem, I think that's a really good idea. But I'd like to hear someone from PD talk through that. Thank you.

Alderman Denise Fenton (District 6) 32:05

Alder Hartzheim, does the motion to hold it affect your wish to speak? Okay. Thank you. Alright, so we have a motion and a second to hold. All in favor, aye. So, we will hold that—

Alderman Vered Meltzer (District 2) 32:19

I voted late. I'm sorry. I was voting aye as well.

Alderson Denise Fenton (District 6) 32:24

Sorry. I thought I heard everybody. Um, so. So, we will hold this until our next meeting. And we're requesting that a representative of the police department either be present or report to us on the permanence or impermanence of the tables affecting.

Alderson William Siebers (District 1) 32:45

And I would ask that the director—Assistant Director of Public Works go back to the establishment. Hopefully he remembers on College Avenue in terms of the timeframe that we gave them.

Alderson Denise Fenton (District 6) 33:09

All right. We ready to move on?