



City of Appleton

100 North Appleton Street
Appleton, WI 54911-4799
www.appleton.org

Meeting Agenda - Final Common Council

Wednesday, January 8, 2020

7:00 PM

Council Chambers

- A. CALL TO ORDER
- B. INVOCATION
- C. PLEDGE OF ALLEGIANCE TO THE FLAG
- D. ROLL CALL OF ALDERPERSONS
- E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS
- F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES
- G. BUSINESS PRESENTED BY THE MAYOR

[20-0001](#) Appointment of Ernesto Gonzalez Jr. to the Police & Fire Commission

Attachments: [Police Fire Commission Appt 1-8-20.pdf](#)

[20-0002](#) Committee Reappointments:
BID Board - Nate Weyenberg, Gary Schmitz, Jason Druxman
Appleton Housing Authority- Val Dreier

Attachments: [BID ARA Reappointments 1-8-20.pdf](#)

[20-0006](#) Emergency Management Coordinator Appointment

Attachments: [EMC Appt 1-8-20.pdf](#)

- H. PUBLIC PARTICIPATION
- I. PUBLIC HEARINGS
- J. SPECIAL RESOLUTIONS

[20-0003](#) Resolution to Change Aldermanic District 7 Polling Place

Attachments: [2019 Resolution Changing District 7 Polling Place.pdf](#)

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

1. **MINUTES OF THE MUNICIPAL SERVICES COMMITTEE**

2. **MINUTES OF THE SAFETY AND LICENSING COMMITTEE**

3. **MINUTES OF THE CITY PLAN COMMISSION**

[19-1936](#) Request to approve Special Use Permit #12-19 for a car wash located at 4029 East Calumet Street (Tax Id #31-9-5812-00), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (2/3 vote of Common Council required for approval)

Attachments: [StaffReport_4029ECalumetSt_SUP_For1-7-20.pdf](#)

[LtrOpposingSUPRequestDercks_4029ECalumet_1-3-20.pdf](#)

[19-1938](#) Request to approve Special Use Permit #13-19 for a restaurant with alcohol sales and consumption located at 1619 West College Avenue, Suite D (Tax Id #31-3-0049-00), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (2/3 vote of Common Council required for approval)

Attachments: [StaffReport_1619WCollege_SUP_For1-7-20.pdf](#)

4. **MINUTES OF THE PARKS AND RECREATION COMMITTEE**

5. **MINUTES OF THE FINANCE COMMITTEE**

6. **MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE**

7. **MINUTES OF THE UTILITIES COMMITTEE**

8. **MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE**

9. **MINUTES OF THE FOX CITIES TRANSIT COMMISSION**

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

[20-0005](#) Ordinances 1 through 4

Attachments: [Ordinances going to Council 1-8-20.pdf](#)

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

R. OTHER COUNCIL BUSINESS

S. CLOSED SESSION

[19-1957](#) The Common Council will go into closed session according to State Statute § 19.85(1)(e) for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business whenever competitive or bargaining reasons require a closed session regarding the bluff site development and then reconvene into open session.

T. ADJOURN

Kami Lynch, City Clerk


Reasonable accommodations for persons with disabilities will be made upon request and if feasible.



"...meeting community needs...enhancing quality of life."

OFFICE OF THE MAYOR
Timothy M. Hanna
100 North Appleton Street
Appleton, Wisconsin 54911-4799
(920) 832-6400 FAX (920) 832-5962
Email: Mayor@Appleton.org

MEMORANDUM

TO: Members of the Common Council
FROM: Mayor Timothy Hanna 
DATE: January 2, 2020
RE: Police & Fire Commission Appointment

It is with pleasure that I present the following reappointment for your confirmation at the December 18 Common Council meeting. Per Resolution #8-R-14, attendance has been included.

POLICE AND FIRE COMMISSION– Appointment

Ernesto Gonzalez Jr. 2-year term replacing Ron Dunlap Resume Attached

Ernesto Gonzalez Jr
448 W Foster Street Appleton, WI 54915
(920) 574-4267
ernesto@casahispanawi.org

SUMMARY OF QUALIFICATIONS

- Bilingual Spanish and English
- Experience in leading Latino/Hispanic leadership groups
- 35 years of experience working with Latino/Hispanic community affairs
- Knowledge and experience in Reprographic/Printing

WORK EXPERINCE

Kimberly-Clark Corporation

October 17, 1977 - June 31, 2009

- Offset printer operator
- Shrink wrapper, Trimmer
- Laminator, Hole Puncher
- Paper Inventory and order
- Fire Warden
- Assist Mail room in downtime as Mail Delivery

Hispanic Chamber of Commerce of WI

January 03, 2014 – Dec. 15, 2016

Associate Director

Assist in Recruitment

Assist in Teaching

Assist in Grant committee meetings

Assist in Participant Case Work

VOLUNTEER


Casa Hispana, Inc., President Board of Directors	2005-Present
Latino Link, Inc., Board of Directors	2002 – 2005
B.A.B.E.S. Respite & Counseling, Board of Directors	1995 – 2000
Fair Housing Council of Appleton, President - Board of Directors	1985 – 1995
U.M.O.S., Inc., Milwaukee Board of Directors	1980 – 2008
U.M.O.S., Inc. Appleton Council – President	1980 – 2006
Deacon - St Therese Parish Appleton	2014-Present



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MEMORANDUM

TO: Members of the Common Council
FROM: Mayor Timothy Hanna 
DATE: January 2, 2020
RE: Appleton Housing Authority Reappointment
Business Improvement District Board - Reappointments

It is with pleasure that I present the following reappointment for your confirmation at the December 18 Common Council meeting. Per Resolution #8-R-14, attendance has been included.

APPLETON HOUSING AUTHORITY – Reappointment

Val Dreier	5-year term	100% attendance
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BUSINESS IMPROVEMENT DISTRICT BOARD – Reappointments

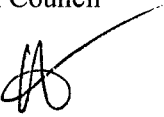
Nate Weyenberg	3-year term	Attendance unknown
Gary Schmitz	3-year term	Attendance unknown
Jason Druxman	3-year term	Attendance unknown



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MEMORANDUM

TO: Members of the Common Council
FROM: Mayor Timothy Hanna 
DATE: January 2, 2020
RE: Emergency Management Coordinator Appointment

It is with pleasure that I present the following appointment for your confirmation at the January 8, 2020, Common Council meeting.

EMERGENCY MANAGEMENT COORDINATOR

Cassidy Walsh

An **Emergency Management Coordinator** (EMC) shall be appointed in accordance with Section 5-3 of the Municipal Code, which is detailed below.

Sec. 5-3. Powers and duties of Common Council and Mayor.

(a) The Common Council shall adopt an effective program of emergency management consistent with the State plan of emergency management. The Common Council may appropriate funds and levy taxes for this program.

(b) Emergency Management Coordinator shall be appointed by the Mayor as head of Emergency Management Services, subject to the confirmation of the Common Council.

(c) The Safety and Licensing Committee shall be designated as the committee of jurisdiction to act as an emergency management committee. The Committee shall retain policy-making and rule-making powers in the establishment and development of emergency management plans and programs.

(d) During the continuance of state of emergency proclaimed by the Governor, the Common Council may employ the Organization for Emergency Management and the facilities and other resources of that organization to cope with the problems of the emergency.

(Ord 98-74, §1 (II)(1) – (4)), 8-8-74; Ord 113-06, §1, 9-2606)

Position Description

The Emergency Management Coordinator (EMC) is charged with coordinating resources and efforts during a city declared emergency. The EMC is also responsible for organizing city EM training and exercises to form a more resilient response in times of crisis utilizing the Incident Command System (ICS) and the National Incident Management System (NIMS). This position reports to the City Health Officer.

CITY OF APPLETON
RESOLUTION

**Resolution declaring the change in polling place for Aldermanic District 7 in
the City of Appleton pursuant to Section 5.25 Wisconsin Statutes**

WHEREAS, City of Appleton Aldermanic District 7 is comprised of Wards 18, 19, 20, 21, 22, 23, 61 and;

WHEREAS, the current polling place for District 7, Pathways Church, has had a change in administration and no longer wishes to remain a polling place and;

WHEREAS, it is in the best interest of the City of Appleton to change the District 7 polling place to a facility that is amenable to accommodate voters and Election Day operations;

NOW THEREFORE BE IT RESOLVED that the City of Appleton District 7 Polling place be changed to **First English Lutheran Church, 6331 N Ballard Rd, Appleton, WI 54913** effective beginning with the February 18, 2020 Spring Primary Election.

Adopted: January 8, 2020

Published: January 13, 2020

S/ TIMOTHY M. HANNA (Mayor)

S/ KAMI L. LYNCH (Clerk)



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: January 7, 2020

Common Council Meeting Date: January 8, 2020

Item: Special Use Permit #12-19 for a car wash

Case Manager: Jessica Titel

GENERAL INFORMATION

Owner: Rory Burton, Xceed Investments, LLC

Applicant: Jeremie Lamine – Deep Blue Car Wash, LLC

Address/Parcel #: 4029 E. Calumet Street (Tax Id #31-9-5812-00)

Petitioner's Request: The applicant is requesting a Special Use Permit for a car wash.

BACKGROUND

The subject site is approximately 54,680 square feet in area and is currently being used as an automobile sales lot. The property was annexed to the City with the Eisenhower Drive Annexation in 2010.

STAFF ANALYSIS

Project Summary: The applicant proposes to construct a car wash as shown on the attached conceptual plans. The existing building will remain and will serve to supplement the proposed car wash, and potential uses within the existing building may be auto detailing or self-serve dog wash. Site Plan Review, in accordance with Section 23-570, is required prior to construction of the proposed facility.

Existing Site Conditions: The site is approximately 54,680 square feet in size and is currently being used as an auto sales lot. Access is from Lorna Lane and an existing shared drive aisle with the property to the east. Lorna Lane is classified as a local street.

Zoning Ordinance Requirements: The subject property has a zoning designation of C-2 General Commercial District. Per Section 23-113(e) of the Municipal Code, a car wash requires a Special Use Permit in the C-2 District. The definition for car wash, per the Zoning Ordinance, means the use of a tract of land, building, or portion thereof, for the manual or automatic washing and cleaning of passenger vehicles, recreational vehicles or other light duty equipment. In order to permit a car wash facility, the Plan Commission makes a recommendation to the Common Council who will make the final decision on the Special Use Permit. A two-thirds (2/3) vote of the Common Council is required for approval.

Operational Information: A plan of operation is attached to the Staff Report.

Surrounding Zoning and Land Uses: The surrounding area is under the jurisdiction of the City of Appleton and the Town of Buchanan. The adjacent parcels contain commercial uses.

North: Town of Buchanan. The adjacent land use to the north is commercial.

Special Use Permit #12-19

January 7, 2020

Page 2

South: C-2 General Commercial District. The adjacent land use to the south is commercial (restaurant).

East: C-2 General Commercial District. The adjacent land uses to the east are a mix of commercial uses (multi-tenant building).

West: C-2 General Commercial District. The adjacent land use to the west is currently professional services (bank).

Appleton Comprehensive Plan 2010-2030: Community and Economic Development staff has reviewed this proposal and determined it is compatible with the Commercial designation shown on the City's *Comprehensive Plan 2010-2030* Future Land Use Map. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

Goal 1 – Community Growth

Appleton will continue to provide opportunities for residential, commercial, and industrial growth, including appropriate redevelopment sites within the downtown and existing neighborhoods, and greenfield development sites at the City's edge.

Goal 8 – Economic Development

Appleton will pursue economic development that retains and attracts talented people, brings good jobs to the area, and supports the vitality of its industrial areas, downtown, and neighborhood business districts.

OBJECTIVE 9.4 Economic Development:

Ensure the continued vitality of downtown and the City's neighborhood commercial districts.

OBJECTIVE 10.5 Land Use:

Support the continued redevelopment and revitalization of land uses adjacent to Appleton's key transportation corridors and downtown.

Finding of Fact: This request was reviewed in accordance with the standards for granting a Special Use Permit under Sections 23-66(e)(1-6) of the Municipal Code, which were found in the affirmative, as long as all stipulations are satisfied.

Technical Review Group (TRG) Report: This item was discussed at the December 17, 2019 Technical Review Group meeting. Discussion occurred regarding verifying the presence of a cross access easement for the existing shared drive aisle. No negative comments were received.

RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #12-19 for a car wash at 4029 E. Calumet Street (Tax Id #31-9-5812-00), as shown on the attached maps and per attached plan of operation, along with the attached resolution, **BE APPROVED** to run with the land, subject to the following conditions:

1. All applicable codes, ordinances, and regulations, including but not limited to Fire and Building Codes, shall be complied with.
2. Any deviations from the approved development plan may require a major or minor amendment

Special Use Permit #12-19

January 7, 2020

Page 3

request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.

3. Once a new use has been established on this property, the use of the property for automobile sales shall expire and shall be discontinued. Future use of the property for automobile sales, or other proposed uses, shall be reviewed in accordance with applicable Zoning Code standards.
4. Compliance with the plan of operation is required at all times. Changes to the plan of operation shall be submitted to the Community and Economic Development Department for review and approval.
5. A recorded cross access easement for the existing shared drive aisle shall be provided in conjunction with the Site Plan review.
6. Site Plan review and approval is required, pursuant to Section 23-570 of the Municipal Code, prior to the issuance of a building permit by the Inspections Division. Zoning Ordinance requirements will be examined during the review of the Site Plan.

RESOLUTION

CITY OF APPLETON RESOLUTION APPROVING SPECIAL USE PERMIT #12-19

WHEREAS, Jeremie Lamine (Deep Blue Car Wash, LLC) has applied for a Special Use Permit for car wash located at 4029 E. Calumet Street, also identified as Parcel Number 31-9-5812-00; and

WHEREAS, the location for the proposed car wash is located in the C-2 General Commercial District and the proposed use is permitted by special use within this zoning district; and

WHEREAS, the City of Appleton Plan Commission held a public hearing on January 7, 2020, on Special Use Permit #12-19 at which all those wishing to be heard were allowed to speak or present written comments, and other materials presented at the public hearing; and

WHEREAS, the City of Appleton Plan Commission has considered the application, the staff reports, oral and written, the Comprehensive Plan and zoning on the subject property, the testimony, written comments, and other materials presented at the public hearing; and

WHEREAS, the City of Appleton Plan Commission reviewed the standards for granting a Special Use Permit under Sections 23-66(e)(1-6) of the Municipal Code, and forwarded Special Use Permit #12-19 to the City of Appleton Common Council with a favorable or not favorable (CIRCLE ONE) recommendation; and

WHEREAS, the City of Appleton Common Council has reviewed the report and recommendation of the City of Appleton Plan Commission at their meeting on _____, 2020 and found it to be acceptable.

NOW, THEREFORE, BE IT RESOLVED, that the City of Appleton Common Council approves Special Use Permit #12-19 for car wash located at 4029 E. Calumet Street, also identified as Parcel Number 31-9-5812-00 and orders as follows:

CONDITIONS OF SPECIAL USE PERMIT #12-19

1. All applicable codes, ordinances, and regulations, including but not limited to Fire and Building Codes, shall be complied with.
2. Any deviations from the approved development plan may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.
3. Once a new use has been established on this property, the use of the property for automobile sales shall expire and shall be discontinued. Future use of the property for automobile sales, or other proposed uses, shall be reviewed in accordance with applicable Zoning Code standards.
4. Compliance with the plan of operation is required at all times. Changes to the plan of

operation shall be submitted to the Community and Economic Development Department for review and approval.

5. A recorded cross access easement for the existing shared drive aisle shall be provided in conjunction with the Site Plan review.
6. Site Plan review and approval is required, pursuant to Section 23-570 of the Municipal Code, prior to the issuance of a building permit by the Inspections Division. Zoning Ordinance requirements will be examined during the review of the Site Plan.

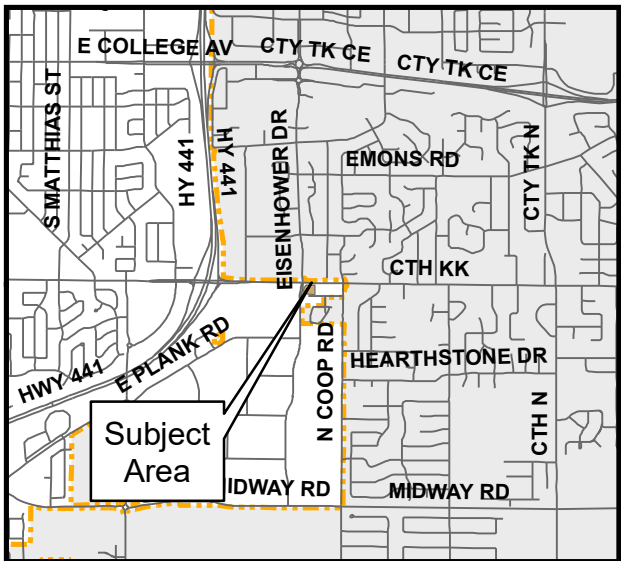
Adopted this _____ day of _____, 2020.

Timothy M. Hanna, Mayor

ATTEST:

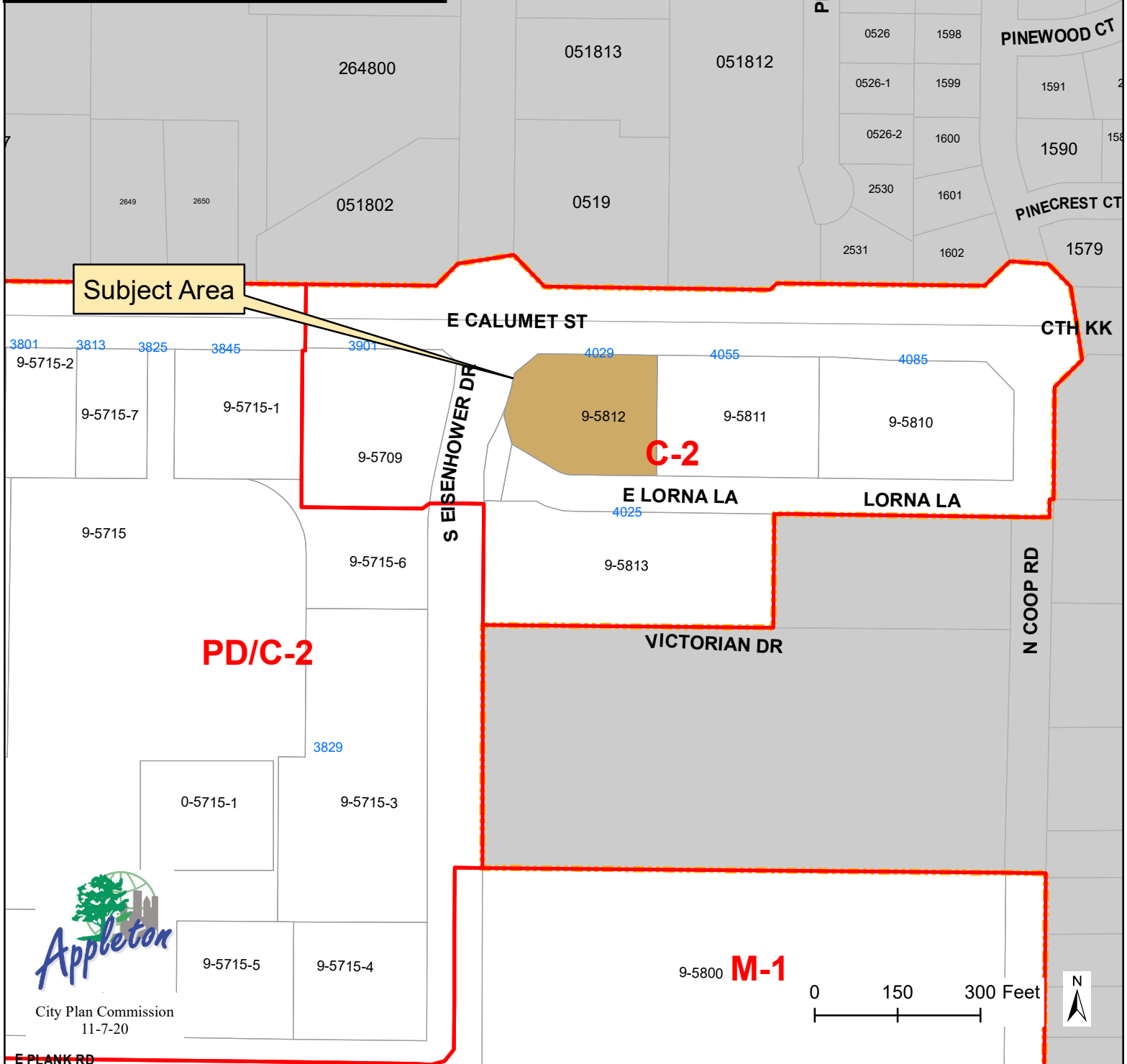
Kami Lynch, City Clerk

4029 E. Calumet Street
Special User Permit #12-19
Car Wash
Aerial Map



Subject Area

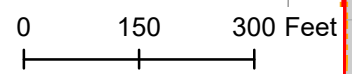
Subject Area



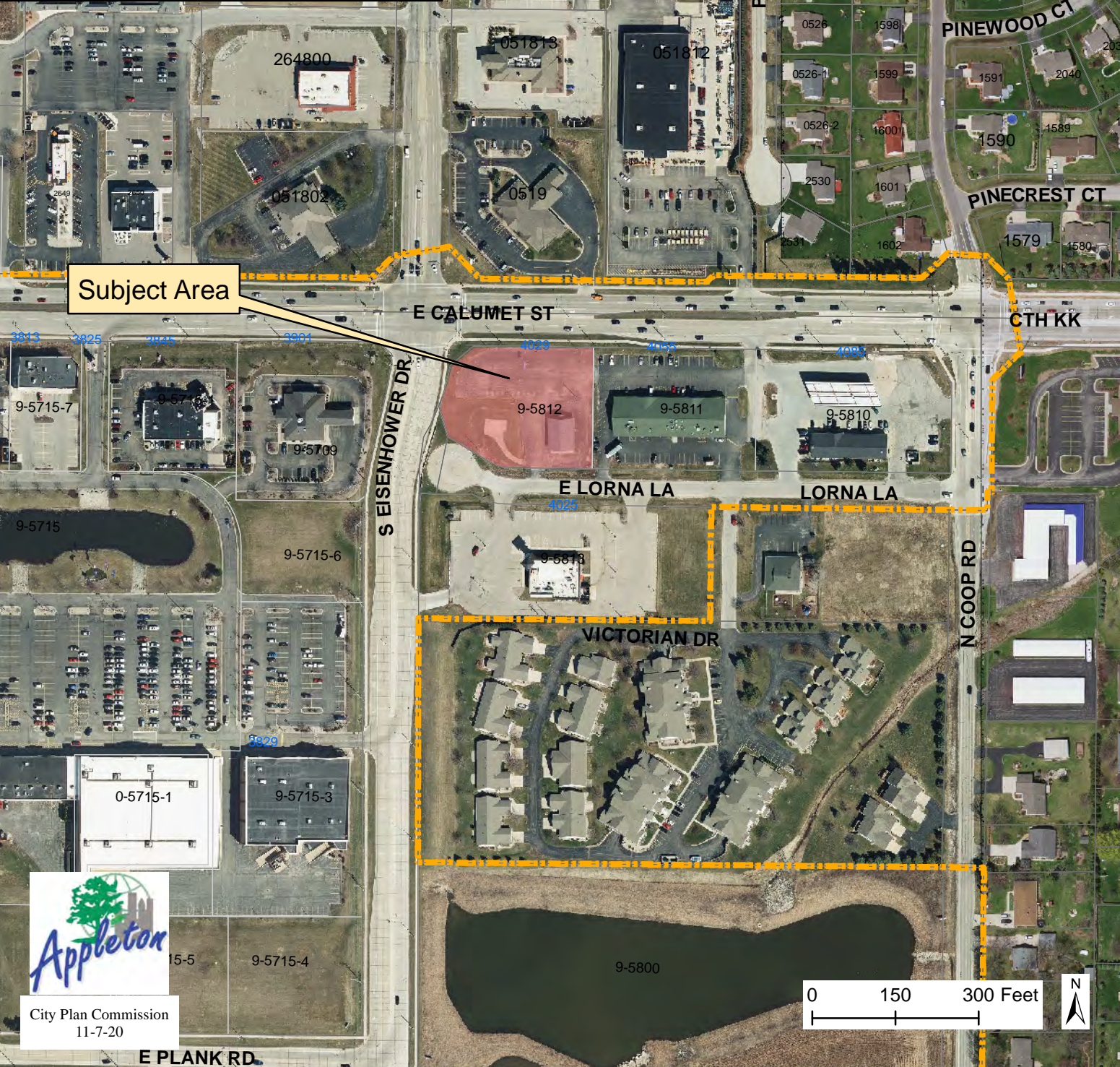
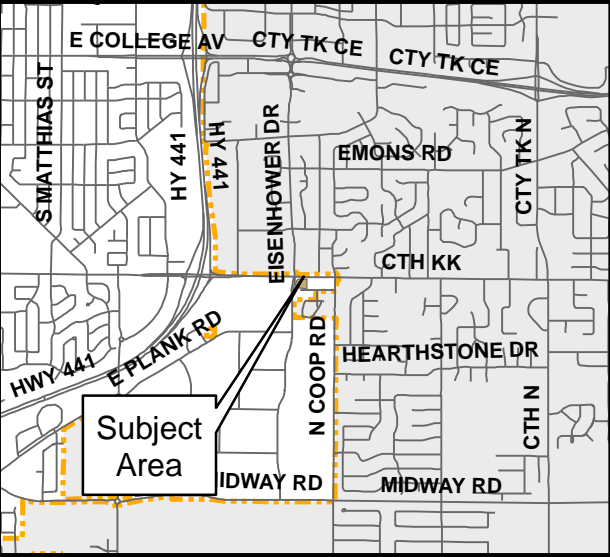
PD/C-2

C-2

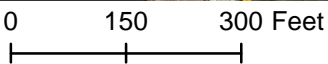
M-1



4029 E. Calumet Street
Special User Permit #12-19
Car Wash
Aerial Map



City Plan Commission
11-7-20



PLAN OF OPERATION AND LOCATIONAL INFORMATION

Business Information:

Name of business: Deep Blue Car Wash, LLC

Years in operation: 15 Years D.B.A. Best Car Wash, LLC

Type of proposed establishment (detailed explanation of business):

An Exterior Express Car Wash is proposed to be constructed on the parcel as shown on the included preliminary site plan. The existing building on the parcel will remain. The use of the existing building is unknown at this time but it would likely serve to supplement the proposed car wash business. The use would likely be automotive detailing.

Proposed Hours of Operation:

Day	From	To
Week Day	8:00am	8:00pm
Friday	8:00am	8:00pm
Saturday	8:00am	8:00pm
Sunday	8:00am	8:00pm

Building Capacity and Area:

Maximum number of persons permitted to occupy the building or tenant space as determined by the International Building Code (IBC) or the International Fire Code (IFC), whichever is more restrictive: 26 persons

Gross floor area of the existing building(s):

2,200 square feet

Gross floor area of the proposed building(s):

Approximately 5,500 square feet

Identify location, number, capacity and flammable liquid materials stored in storage tanks or containers:

None

Describe any potential smoke, odors emanating from the proposed use and plans to control them:

None

Describe Any Potential Noise Emanating From the Proposed Use:

Describe the noise levels anticipated from all mechanical equipment:

There will be dyers located within the building at the exit of the car wash bay. There will also be vacuums located outside of the building, along the south side of the building. Refer to the site plan included with this application.

How will the noise be controlled?

The dryers will be new state of the art dryers. The dryers will be located within the proposed building and will be mounted in a position where noise will be directed primarily into the car wash bay. The external vacuums will consist of a central vacuum system with motor(s) located within the proposed building. Hours of operation would be 8:00am-8:00pm seven days a week.

Outdoor Lighting:

Type: LED

Location: Existing outdoor lighting will remain in place with the exception of a couple light poles that will need to be relocated to accommodate building construction. Additional LED lighting and decorative lighting will be installed as needed.

Off-Street Parking:

Number of spaces existing: Used car lot

Number of spaces proposed: 15

Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

Site access is adequate. There is an ingress/egress easement that has been established with the property to the east. In addition, there is access to Lorna Lane.

A right-in/right-out access or a right-in only access from

Eisenhower Drive to Lorna Lane would be desirable but not required.

Adequate room for vehicle stacking is provided on the included site plan

Outdoor Uses:

Type, location, size of outdoor storage area(s) of business property, goods, or merchandise not intended for customer viewing or immediate sale:

None

Type and height of screening of plantings/fencing/gating for outdoor storage area(s):

None

Type, location, size of outdoor display area(s) of merchandise for sale:

None

Number of Employees:

Number of existing employees: Unknown

Number of proposed employees: 3

Number of employees scheduled to work on the largest shift: 3

GENERAL PROJECT NOTES:

PROJECT NAME: DEEP BLUE CAR WASH, LLC
 PROPERTY ADDRESS: 4029 E CALUMET STREET
 CITY OF APPLETON, CALUMET COUNTY, WI
 TAX KEY NUMBER: 31-9-5812-00
 LEGAL DESCRIPTION: ALL OF LOT 3 OF THE KWIK TRIP PLAT AS RECORDED IN PLAT CABINET B SLIDE 163 AS DOCUMENT NO. 245114, LOCATED IN THE NORTHEAST 1/4 OF THE NORTHEAST 1/4, SECTION 4, T21N, R18E, CITY OF APPLETON, CALUMET COUNTY
 ZONING DESCRIPTION: C2-GENERAL COMMERCIAL DISTRICT
 PROPOSED USE: EXPRESS CAR WASH
 FIRE PROTECTION: NOT SPRINKLERED
 ZONING INFORMATION:

	PROVIDED	REQUIRED
LOT SIZE:	54,680 S.F.	14,000 S.F.
LOT WIDTH:	276.79'	REQ'D MIN. = 60'
BUILDING HEIGHT:	26'	MAXIMUM 35'
BUILDING SETBACKS:		
FRONT YARD:		
NORTH:	42.5'	REQ'D MIN. = 10'
WEST:	56.7', 63.9'	REQ'D MIN. = 10'
SOUTH:	55'	REQ'D MIN. = 10'
SIDE YARD:		
EAST:	84.7'	REQ'D MIN. = 0'
REAR YARD:	NO REAR YARD	REQ'D MIN. = 20'

PARKING CALCULATIONS:
 TOTAL SPACES PROVIDED = 15
 CAR WASH - 3 STALLS FOR EMPLOYEES
 GREATER THAN SIX (6) STACKING SPACES
 AUTO DETAILING - 12 PARKING STALLS (4 STALLS PER BAY)

LOADING AREA CALCULATIONS:
 ONE (1) SPACE PROVIDED

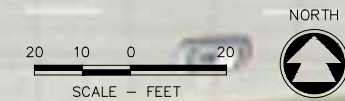
DUMPSTER & RECYCLING CALCULATIONS:
 ALL REFUSE AND RECYCLING CONTAINERS ARE STORED WITHIN THE PROPOSED BUILDING.

GENERAL SITE PLAN NOTES:

NO PRODUCTS WILL BE MANUFACTURED, SOLD, OR STORED ON SITE.
 NO HAZARDOUS MATERIALS WILL BE STORED ON SITE.
 A KNOX BOX WILL BE PROVIDED AT THE BUILDING FRONT ENTRANCE.
 EXCESS SNOW THAT CANNOT BE STORED ON SITE WILL BE HAULED AWAY.
 LANDSCAPE AREAS WILL MEET REQUIREMENTS OF THE CITY OF APPLETON ZONING ORDINANCE.
 THE EXISTING PYLON SIGN WILL BE REMOVED. PROPOSED SIGNS WILL BE MOUNTED TO THE PROPOSED BUILDING.
 THE EXISTING LED SITE LIGHTING WILL REMAIN WITH THE EXCEPTION OF ONE POLE MOUNTED FIXTURE. ADDITIONAL LED LIGHTING CONSISTING OF DECORATIVE WALL MOUNTED LIGHTING AND WALL MOUNTED SECURITY LIGHTING IS PROPOSED. LIGHTING WILL MEET REQUIREMENTS OF THE CITY OF APPLETON ZONING ORDINANCE.
 THE EXISTING PARKING LOT IS ASPHALTIC SURFACE. THE PROPOSED SURFACE WILL BE A MIXTURE OF ASPHALT AND CONCRETE PAVEMENT.

[#] SITE PLAN KEY NOTES:

1. PROPOSED OFFICE
2. PROPOSED CAR WASH BAY
3. PROPOSED MECHANICAL ROOM
4. PAY STATIONS (3 TOTAL)
5. VACUUM STALLS (6 TOTAL)
6. VEHICLE STACKING AREA
7. OFF-STREET LOADING SPACE
8. ESCAPE LANE
9. STORMWATER MANAGEMENT DEVICE



**PRELIMINARY
 CONCEPTUAL SITE PLAN
 NOT FOR CONSTRUCTION**

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McMAHON
 ENGINEERS ARCHITECTS
 1445 McMAHON DRIVE NEENAH, WI 54956
 Mailing: P.O. BOX 1025 NEENAH, WI 54957-1025
 PH 920.751.4200 FX 920.751.4284 MCMGRP.COM

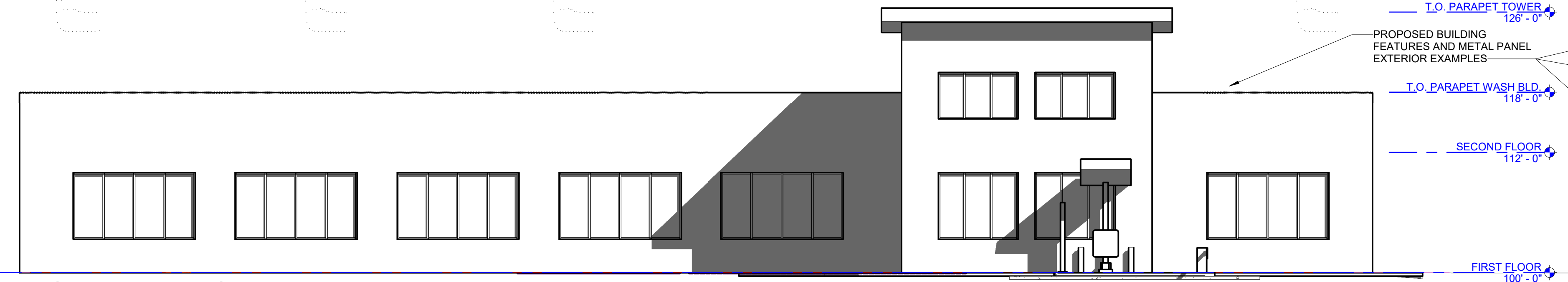
McMahon Associates, Inc. provides professional engineering, architectural, and landscape architectural services. All rights including copyright are reserved. The user of this drawing shall indemnify and hold McMahon Associates, Inc. harmless for any reuse or modification of this drawing without prior written consent by McMahon Associates, Inc.

NO.	DATE	REVISION

LAMINE SITE PLAN - 4029 E CALUMET STREET
 CITY OF APPLETON, CALUMET COUNTY
 PRELIMINARY CONCEPTUAL SITE PLAN

DESIGNED MPK	DRAWN MPK
PROJECT NO. TBD	
DATE DEC 2019	
SHEET NO. 01	

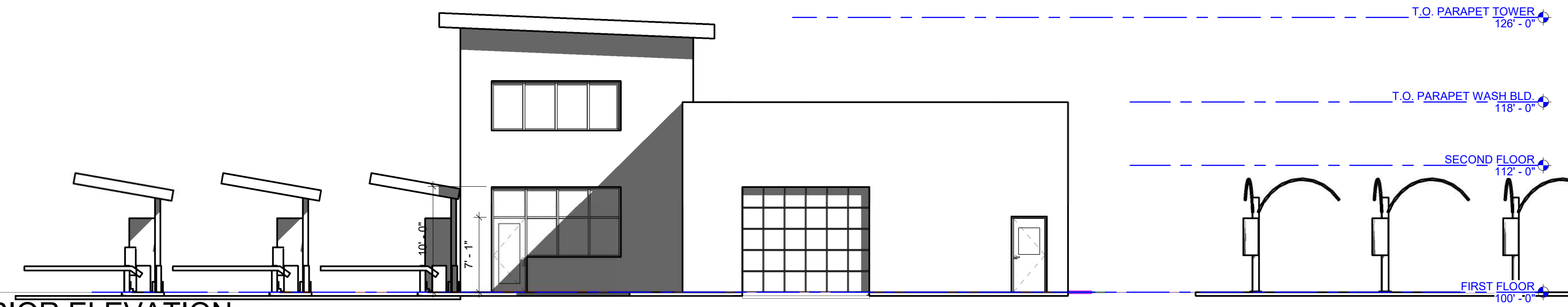
1 NORTH EXTERIOR ELEVATION
A391 1/8" = 1'-0"



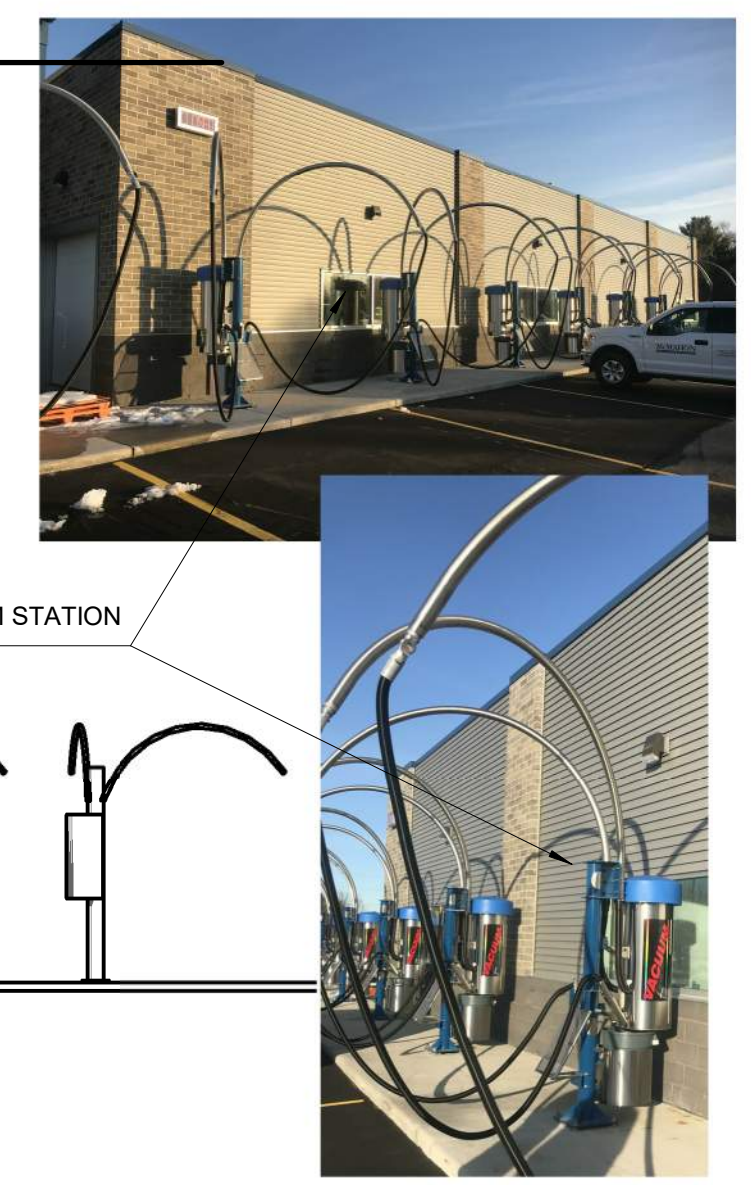
PROPOSED BUILDING FEATURES AND METAL PANEL EXTERIOR EXAMPLES



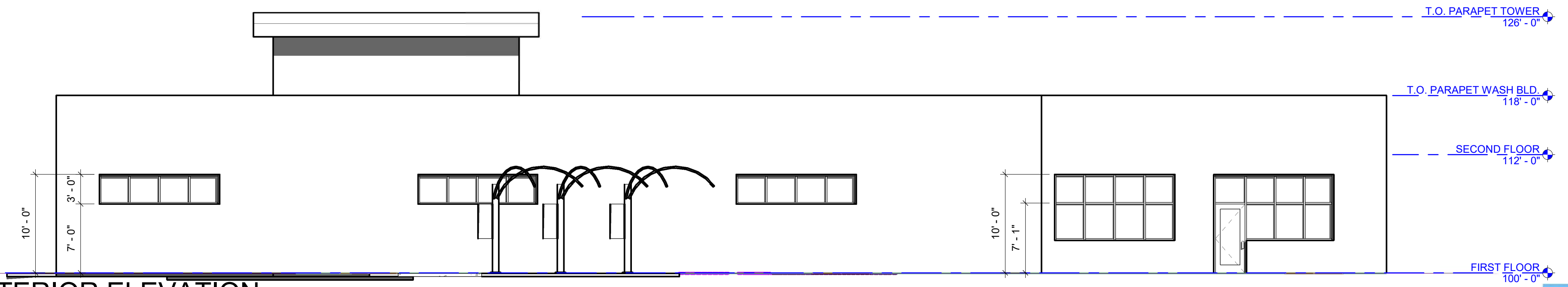
2 WEST EXTERIOR ELEVATION
A391 1/8" = 1'-0"



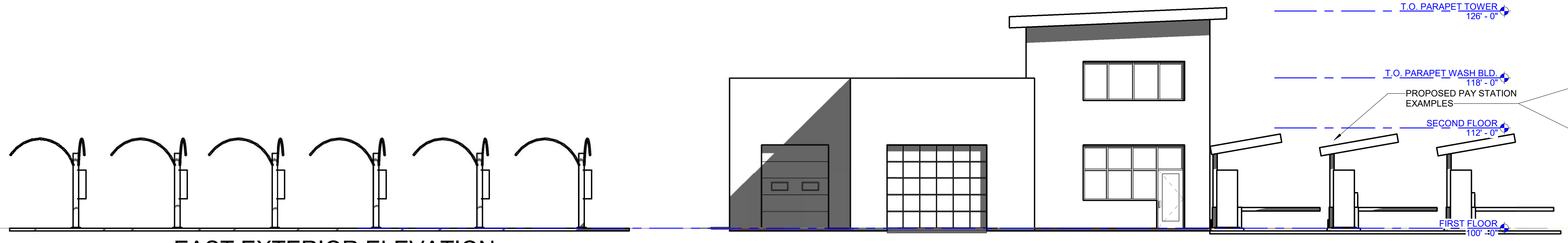
PROPOSED VACUUM STATION EXAMPLES



3 SOUTH EXTERIOR ELEVATION
A391 1/8" = 1'-0"



4 EAST EXTERIOR ELEVATION
A391 1/8" = 1'-0"



PROPOSED PAY STATION EXAMPLES



PRELIMINARY NOT FOR CONSTRUCTION

McMAHON
ENGINEERS ARCHITECTS
McMAHON ASSOCIATES, INC. E 4986
1445 WILSON AVENUE, SUITE 100
MILWAUKEE, WI 53212
Tel: (920) 751-4200 Fax: (920) 751-4284
www.mcmgrp.com

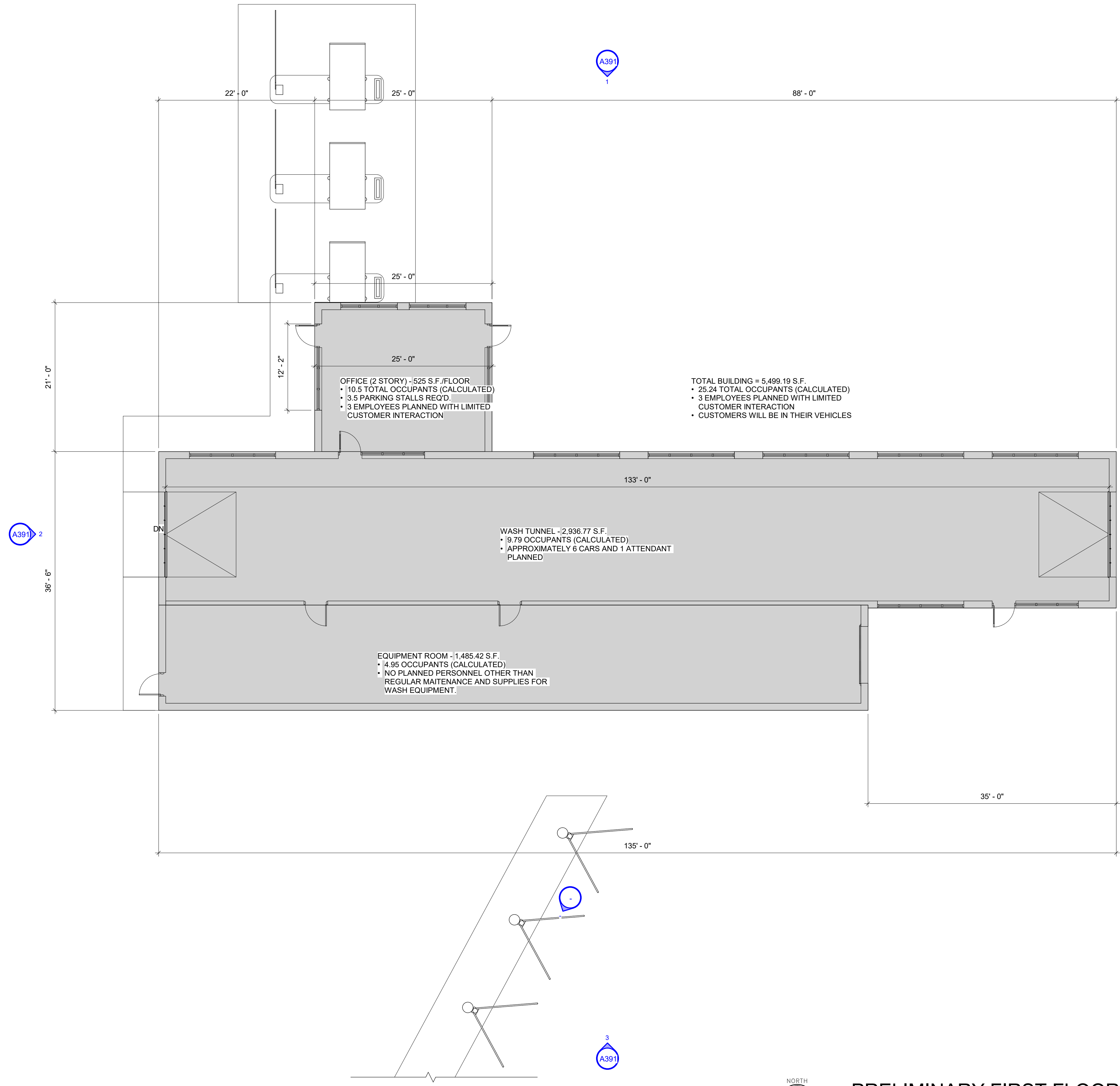
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NO.	DATE	REVISION

LAMINE SITE PLAN - 4029 E CALUMET STREET
CAR WASH CITY OF APPLETON, CALUMET COUNTY
PRELIMINARY EXTERIOR ELEVATIONS

DESIGNED	DRAWN
PROJECT NO.	TBD
DATE	DECEMBER, 2019
SHEET NO.	

A391



GENERAL PLAN NOTES

- DO NOT SCALE FROM DRAWINGS. BRING ANY DISCREPANCIES TO THE ARCHITECTS ATTENTION IMMEDIATELY.
- COORDINATE LOCATIONS AND QUANTITY OF WORK WITH MECHANICAL, ELECTRICAL, AND PLUMBING CONTRACTORS.
- ALL DIMENSIONS ARE CLEAR FROM THE FACE OF FINISHED WALL/PARTITION TO FACE OF FINISHED WALL/PARTITION OR FACE OF EXISTING WALLS ACTUAL FACE.
- ALL PIPING, CONDUIT AND RELATED MECHANICAL AND ELECTRICAL ITEMS SHALL BE CONCEALED WITHIN GYPSUM BOARD FURRING AS REQUIRED IN FINISHED AREAS WHETHER SHOWN ON DRAWINGS OR NOT, UNLESS NOTED OTHERWISE.
- PROVIDE METAL PLATE BACKING AND/OR TREATED WOOD BLOCKING IN WALLS WHERE WALL-MOUNTED EQUIPMENT IS SHOWN ON PLANS OR ELEVATIONS. VERIFY HEIGHT AND LENGTH WITH ACTUAL EQUIPMENT.
- SEE SHEET A011 & A012 FOR LIFE SAFETY PLAN AND FIRE PARTITION RATINGS.
- SHADED AREA INDICATES BUILDING ADDITION AND RENOVATION AREAS.
- CONTRACTOR TO VERIFY ALL EXISTING CONDITIONS BEFORE CONSTRUCTION.

(X) KEYED PLAN NOTES

PRELIMINARY NOT FOR CONSTRUCTION

McMAHON
ENGINEERS ARCHITECTS

McMAHON ASSOCIATES, INC.
1445 FORTY-NINTH AVENUE, SUITE 100
MIDDLEBURY, VT 05751-1025
Tel: (802) 751-4200 Fax: (802) 751-4284
www.mcmgrp.com

DESIGNED	DRAWN
PROJECT NO.	TBD
DATE	DECEMBER, 2019
SHEET NO.	A211

LAMINE SITE PLAN - 4029 E CALUMET STREET
CAR WASH CITY OF APPLETON, CALUMET COUNTY
PRELIMINARY FIRST FLOOR PLAN

RECEIVED

JAN - 3 2020

January 2, 2020

Community & Economic Development City Hall
Attn: Jessica Titel
100 North Appleton Street
Appleton, WI 54911

CITY OF APPLETON
COMMUNITY/ECON DEVELOPMENT

To Whom It May Concern,

This letter is in response to the consideration of a Special Use Permit for parcel (Tax ID #31-9-5812-00) requested by Jeremie Lamine, Deep Blue Car Wash, LLC, applicant, and Rory Burton, Xceed Investments, LLC, owner for the property located at 4029 East Calumet Street.

As the neighboring property owners (Bose 1 Investments, LLC, DKS Realty Wisconsin, LLC, ESVH Investments, LLC(KK Centre TIC Group)) for the building located at 4055 E. Calumet Street, Appleton, WI we have several concerns regarding the application for a Special Use Permit. With the construction of the proposed building we feel the visibility of our property would significantly be obstructed. A key asset to the retail industry and tenants within our location. It is our belief that there is not an existing easement showing ingress and egress through our parcel and would not be in favor of allowing a new one to be drafted or implemented. It is our opinion that the local market does not seem to be underserved with car washes with Clear Water, Best Wash of Darboy, and Shiny Car, all within 1 mile of this location. Lastly, the current zoning does not allow this type of use, our suggestion would be to follow the current zoning in place and deny the request.

Sincerely,



Charlie Dercks
KK Centre TIC Group-Managing member
(920) 419-5950
Cdercks@jrossassoc.com



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: January 7, 2020

Common Council Meeting Date: January 8, 2020

Item: Special Use Permit #13-19 for a restaurant with alcohol sales and consumption

Case Manager: Don Harp

GENERAL INFORMATION

Owner/Applicant: Caleb Hayes, Park Place Holdings, LLC (owner) / Fay Oliver, The Jerk Joint Restaurant (applicant)

Address/Parcel #: 1619 West College Avenue – Suite D (Tax Id #31-3-0049-00)

Petitioner's Request: The applicant is requesting a Special Use Permit for a restaurant with alcohol sales and consumption.

BACKGROUND

The applicant has been operating a restaurant without alcohol sales since August 2019.

Rezoning #11-03 to rezone the subject property from PD/C-2 Planned Development/General Commercial District to C-2 General Commercial District was approved by the Common Council on September 17, 2003.

The subject property was zoned to PD/C-2 Planned Development/General Commercial District with the adoption of the Zoning Ordinance and Map on May 22, 1994. There was no Implementation Plan Document filed with the City or recorded in the Outagamie County Register of Deeds' Office.

In 1970, the building on the subject property was constructed as a multi-tenant building.

STAFF ANALYSIS

Project Summary: The Jerk Joint Restaurant has operated within the subject building (Suite D) since August 2019. The applicant proposes to serve alcohol within their existing tenant space which totals approximately 1,000 square feet.

Existing Site Conditions: The existing multi-tenant building totals approximately 11,084 square feet. The required off-street parking spaces is 45 stalls. The proposed development shows 52 parking spaces.

Access is provided by curb cuts on West College Avenue, South Douglas Street and South Victoria Street.

Special Use Permit #13-19
January 7, 2020
Page 2

Outdoor Alcohol Consumption Area: No outdoor alcohol sales and consumption is requested as part of this application for a Special Use Permit.

Operational Information: A plan of operation is attached to the staff report.

Zoning Ordinance Requirements: The subject property has a zoning designation of C-2 General Commercial District. Per Section 23-113(e) of the Municipal Code, a restaurant with alcohol sales and consumption requires a Special Use Permit in the C-2 District. In order to permit alcohol sales and consumption in conjunction with a restaurant, the Plan Commission makes a recommendation to the Common Council who will make the final decision on the Special Use Permit. A two-thirds (2/3) vote of the Common Council is required for approval.

Surrounding Zoning and Land Uses: The surrounding area is under the jurisdiction of the City of Appleton (north, south, east, and west). The uses are generally industrial, commercial and residential in nature.

North: C-2 General Commercial District. The adjacent land use to the north is currently a retail business.

South: P Parking District, R-1B Single-Family District and R-2 Two-Family District. The adjacent land uses to the south are currently single-family residential uses and surface parking lots.

East: R-1B Single-Family District. The adjacent land uses to the east are currently residential uses.

West: M-2 General Industrial District. The adjacent land uses to the west are currently professional office and manufacturing uses.

Appleton Comprehensive Plan 2010-2030: Community and Economic Development staff has reviewed this proposal and determined it is compatible with the Commercial designation shown on the City's *Comprehensive Plan 2010-2030* Future Land Use Map. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

Goal 1 – Community Growth

Appleton will continue to provide opportunities for residential, commercial, and industrial growth, including appropriate redevelopment sites within the downtown and existing neighborhoods, and greenfield development sites at the City's edge.

Goal 8 – Economic Development

Appleton will pursue economic development that retains and attracts talented people, brings good jobs to the area, and supports the vitality of its industrial areas, downtown, and neighborhood business districts.

OBJECTIVE 9.4 Economic Development:

Ensure the continued vitality of downtown and the City's neighborhood commercial districts.

OBJECTIVE 10.5 Land Use:

Support the continued redevelopment and revitalization of land uses adjacent to Appleton's key transportation corridors and downtown.

Finding of Fact: Prior to the granting of any Special Use Permit, the City Plan Commission may recommend and the Common Council may place such conditions and restrictions upon the establishment, location, construction, maintenance and method or hours of operation of the special use as is deemed necessary for the protection of the public interest and to secure compliance with the standards specified in 23-66 (e) (1-6). This request was reviewed in accordance with the standards for granting a Special Use Permit under 23-66 (e) (1-6), which were found in the affirmative.

Technical Review Group (TRG) Report: This item was discussed at the December 17, 2019 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #13-19 for a restaurant with alcohol sales and consumption at 1619 West College Avenue, Suite D (Tax Id #31-3-0049-00), as shown on the attached maps and per attached plan of operation, along with the attached resolution, **BE APPROVED** to run with the land, subject to the following conditions:

1. All applicable codes, ordinances, and regulations, including but not limited to Fire, Building, and Health Codes and the Noise Ordinance, shall be complied with.
2. Compliance with the plan of operation is required at all times. Changes to the plan of operation shall be submitted to the Community and Economic Development Department for review and approval.
3. Any deviations from the approved Development Plan may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance.
4. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Municipal Code.

RESOLUTION
CITY OF APPLETON
RESOLUTION APPROVING SPECIAL USE PERMIT #13-19

WHEREAS, Fay Oliver, owner of The Jerk Joint restaurant has applied for a Special Use Permit for a restaurant with alcohol sales located at 1619 West College Avenue – Suite D, and also identified as Parcel Number 31-3-0049-00; and

WHEREAS, the location for the proposed restaurant with alcohol sales and service is located in the C-2 General Commercial District and the proposed use is permitted by special use within this zoning district; and

WHEREAS, the City of Appleton Plan Commission held a public hearing on January 7, 2020, on Special Use Permit #13-19 at which all those wishing to be heard were allowed to speak or present written comments, and other materials presented at the public hearing; and

WHEREAS, the City of Appleton Plan Commission has considered the application, the staff reports, oral and written, the Comprehensive Plan and zoning on the subject property, the testimony, written comments, and other materials presented at the public hearing; and

WHEREAS, the City of Appleton Plan Commission reviewed the standards for granting a Special Use Permit under Sections 23-66(e)(1-6) and 23-66(h)(6) of the Municipal Code, and forwarded Special Use Permit #13-19 to the City of Appleton Common Council with a favorable or not favorable (CIRCLE ONE) recommendation; and

WHEREAS, the City of Appleton Common Council has reviewed the report and recommendation of the City of Appleton Plan Commission at their meeting on _____, 2020 and found it to be acceptable.

NOW, THEREFORE, BE IT RESOLVED, that the City of Appleton Common Council approves Special Use Permit #13-19 for a restaurant with alcohol sales and service located at 1619 West College Avenue – Suite D, also identified as Parcel Number 31-3-0049-00 and orders as follows:

CONDITIONS OF SPECIAL USE PERMIT #13-19

1. All applicable codes, ordinances, and regulations, including but not limited to Fire, Building, and Health Codes and the Noise Ordinance, shall be complied with.
2. Compliance with the plan of operation is required at all times. Changes to the plan of operation shall be submitted to the Community and Economic Development Department for review and approval.
3. Any deviations from the approved Development Plan may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance.

4. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Municipal Code.

Adopted this _____ day of _____, 2020.

Timothy M. Hanna, Mayor

ATTEST:

Kami Lynch, City Clerk

**ONSITE ALCOHOL CONSUMPTION
PLAN OF OPERATION AND LOCATIONAL INFORMATION**

Business information:

Name of Business: Jerk Joint

Years in Operation: 4 months

(Check applicable proposed business activity(s) proposed for the building or tenant space)

Restaurant Bar/Night Club Wine Bar Microbrewery Other _____

Provide detailed explanation of the type of business occupying the building or tenant space:

The establishment is a Caribbean restaurant.

Any planned remodeling of the building or tenant space proposed (please describe):

Already occupying tenant space.

Proposed Hours of Operation for Indoor Space:

Day	From	To
Week Days: Monday thru Thursday	11:30 a.m.	8:00 p.m.
Friday	11:30 a.m.	8:00 p.m.
Saturday	11:30 a.m.	8:00 p.m.
Sunday	Closed	Closed

Building capacity and area:

Anticipated maximum number of persons occupying the building or tenant space: 20 persons.

Gross floor area of the existing building or tenant space the business will occupy: 1,000 sq.ft.

Describe any potential noise emanating from the proposed use:

A. Describe the noise levels anticipated from all equipment/amplified music.

N/A

B. How will the noise be controlled to comply with the Municipal Code Regulations?

N/A

Outdoor Space uses:

(Check applicable proposed area)

None Patio Sidewalk Café Deck Other _____.

Is there any alcohol service incorporated within the outdoor space? Yes ___ No ___

Are there plans for outdoor music/entertainment? Yes ___ No ___

If yes, describe how will the noise be controlled: _____

Is there any food service incorporated in the outdoor patio? Yes ___ No ___

Hours of Operation for Outdoor Uses (Sidewalk Café with Alcohol):

*******Municipal Code Section 9-262(b)(4): The permit holder can begin serving alcoholic beverages in the sidewalk café at 4:00 p.m. Monday through Friday and 11:00 a.m. on Saturday and Sunday. All alcoholic beverages must be removed from the sidewalk café by 9:30 p.m.**

Proposed Hours of Operation for the Outdoor Space:

Day	From	To
Week Day	N/A	N/A
Friday	N/A	N/A
Saturday	N/A	N/A
Sunday	N/A	N/A

Number of Employees:

Number of Proposed Employees: 3.

Number of employees scheduled to work on the largest shift: 3

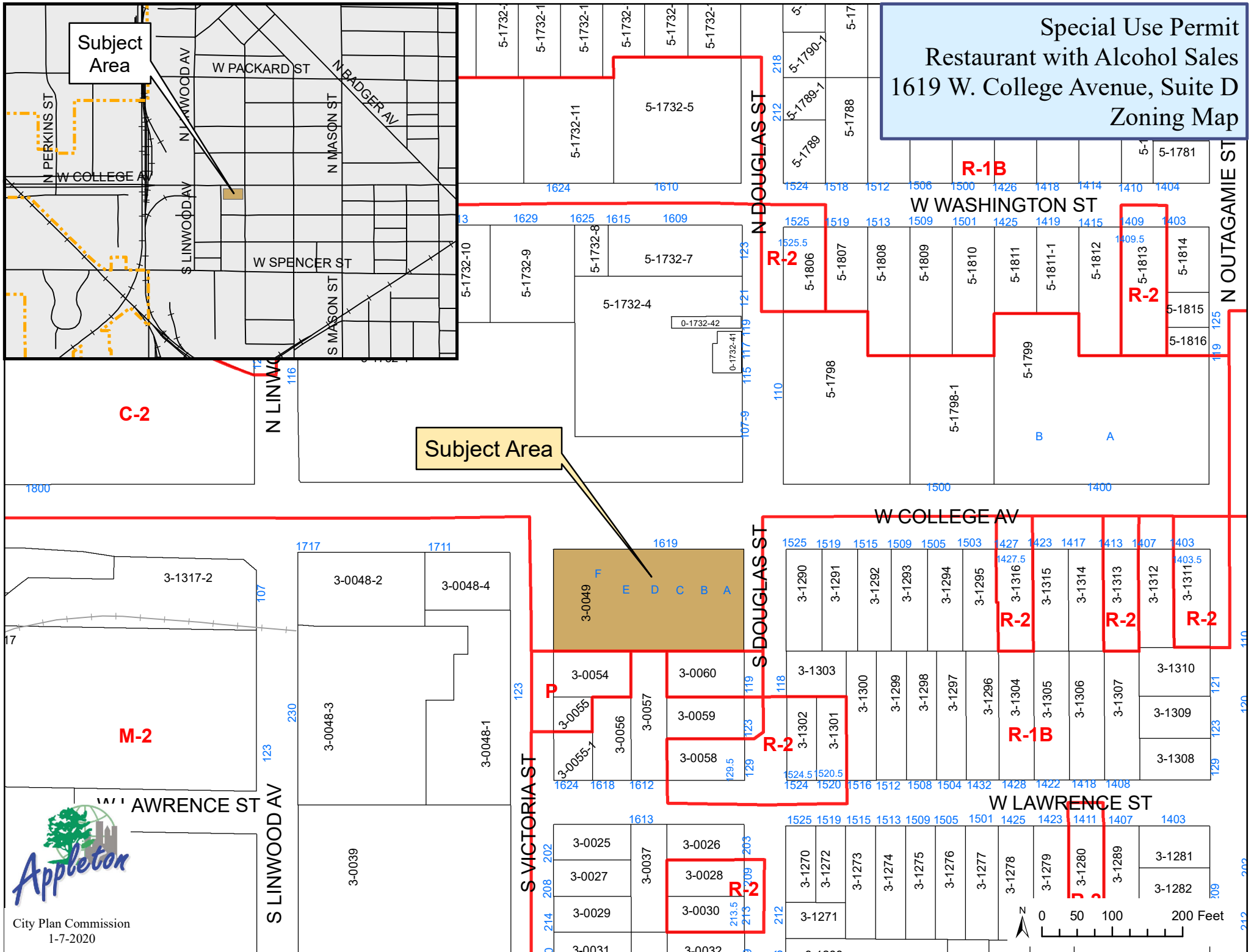
Off-street parking: 52 spaces exist on-site.

Special Use Permit
Restaurant with Alcohol Sales
1619 W. College Avenue, Suite D
Aerial Map

Subject Area



Special Use Permit
 Restaurant with Alcohol Sales
 1619 W. College Avenue, Suite D
 Zoning Map



Subject Area

Subject Area



1-20

AN ORDINANCE AMENDING SECTION 19-90 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING VIOLATION FORFEITURES.

(Municipal Services Committee – 12/18/2019)

The Common Council of the City of Appleton does ordain as follows:

Section 1: That Section 19-90 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking violation forfeitures, is hereby amended to read as follows:

Sec. 19-90. Parking violation forfeitures.

(a) Any person to whom a ticket has been issued for violation of any overtime parking regulation shall incur a forfeiture of forty-five dollars (\$45.00), which forfeiture may be satisfied by paying twenty dollars (\$20.00) within fifteen (15) days of the date of the ticket.

(b) Any person to whom a ticket has been issued for any prohibited parking during a special event, or for stopping, standing or parking around schools, shall incur a forfeiture of sixty-five dollars (\$65.00), which forfeiture may be satisfied by paying forty dollars (\$40.00) within fifteen (15) days of the date of the ticket. Any person to whom a ticket has been issued for any other prohibited area parking regulation of the City shall incur a forfeiture of forty-five dollars (\$45.00), which forfeiture may be satisfied by paying twenty dollars (\$20.00) within fifteen (15) days of the date of the ticket.

(c) Any person to whom a ticket has been issued for violation of W.S.A. §346.505, pertaining to handicap parking, shall incur a forfeiture of three hundred dollars (\$300.00), which forfeiture may be satisfied by paying three hundred dollars (\$300.00) within fifteen (15) days of the date of the ticket.

(d) Any person to whom a ticket has been issued for violation of parking in an area designated no parking, for parking too close to a driveway or crosswalk, for parking on posted private property or any other parking restriction for which a forfeiture is not otherwise specifically established in this division, shall incur a forfeiture of forty-five dollars (\$45.00), which forfeiture may be satisfied by paying twenty dollars (\$20.00) dollars within fifteen (15) days of the date of the ticket.

(e) Any person to whom a ticket has been issued for violation of parking in an area from 2:00 a.m. to 5:00 a.m. shall incur a forfeiture of fifty dollars (\$50.00), which forfeiture may

be satisfied by paying twenty-five dollars (\$25.00) within fifteen (15) days of the date of the ticket.

(f) Any person to whom was issued their first and second ticket in any calendar year for a violation of any meter parking regulation shall incur a forfeiture of thirty dollars (\$30.00), which forfeiture may be satisfied by paying five dollars (\$5.00) within fifteen (15) days of the ticket.

(g) Any person to whom was issued their third through fifth ticket in any calendar year for a violation of any meter parking regulation shall incur a forfeiture of thirty-five dollars (\$35.00), which forfeiture may be satisfied by paying ten dollars (\$10.00) within fifteen (15) days of the ticket.

(h) Any person to whom was issued their sixth ticket, or any ticket thereafter, in any calendar year for a violation of any meter parking regulation shall incur a forfeiture of seventy-five dollars (\$75.00), which forfeiture may be satisfied by paying fifty-five dollars (\$50.00) within fifteen (15) days of the ticket.

(i) Any person wanting to contest a parking ticket shall first, within fifteen (15) days of the date of issuance, file an application for administrative review with the City Parking Utility. Following the administrative review, any person who is not satisfied with the results of that review shall submit a written request for judicial review to the City Parking Utility. The request for judicial review shall be submitted within thirty (30) days from the date the ticket was issued, or within ten (10) days after the administrative review is completed, whichever is later. When a timely request for administrative or judicial review is not filed, the ticket shall be presumed to be uncontested. Forfeitures shall be paid within fifteen (15) days of the ticket's issuance or, an action may be commenced by the City in accordance with the uniform traffic procedure for nonmoving violations as set forth in Sec. 345.28, Stats. and it may forward the matter to the State Department of Transportation for enforcement under the state traffic violation and registration program.

(j) When a vehicle is the subject to seven (7) or more outstanding, unpaid parking tickets issued in accordance with this section, the vehicle may be considered in chronic violation of the parking ordinances until such time that all outstanding parking tickets are paid in full. Further, upon a subsequent violation, a vehicle considered in chronic violation of the parking ordinance pursuant to this section may be towed and impounded at the owner's expense.

(k) Citations shall be paid in the following manner:

- (1) In person or by depositing in a City deposit box: payment by cash or check and including either the physical ticket, ticket number or license plate number with the payment.
- (2) Online: using the ticket number, the citation can be paid with debit card or credit card.

(1) Any third party administration fees shall be added to, and collected with, parking violation forfeitures set forth in this section. A schedule of third party administration fees charged pursuant to this section shall be on file in the office of the Director of Finance.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

Dated: January 8, 2020

Timothy M. Hanna, Mayor

Kami Lynch, City Clerk

ADOPTED: January 8, 2020
PUBLISHED: January 13, 2020
Office of the City Clerk

2-20

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.
(Municipal Services Committee – 12/18/2019)

The Common Council of the City of Appleton does ordain as follows:

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby repealed:

Ord. 62-A-88: “Parking be restricted to bus loading only from 7:00 a.m. to 7:00 p.m., except Sunday and Holidays, on the west side of Linwood Avenue from a point 100-ft south of the south right-of-way line of Packard Street extending 80-ft.”

Section 2: This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

Dated: January 8, 2020

Timothy M. Hanna, Mayor

Kami Lynch, City Clerk

3-20

AN ORDINANCE AMENDING SECTION 10-37 OF CHAPTER 10 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO POSSESSION OR PURCHASE OF CIGARETTES, NICOTINE, VAPOR, AND TOBACCO PRODUCTS BY PERSONS UNDER THE AGE OF EIGHTEEN.

(Safety and Licensing Committee – 12-18-2019)

The Common Council of the City of Appleton does ordain as follows:

Section 1: That Section 10-37 of Chapter 10 of the Municipal Code of the City of Appleton, relating to possession or purchase of cigarettes, nicotine, vapor, and tobacco products by persons under the age of eighteen, is hereby amended to read as follows:

Sec. 10-37. Possession or purchase of cigarettes, nicotine, vapor, and tobacco products by persons under the age of eighteen.

(a) The provisions W.S.A. §254.92 as amended regarding the possession or purchase of cigarettes, nicotine, and tobacco products by persons under the age of eighteen (18), exclusive of any penalty contained therein, is hereby adopted by reference and made an offense punishable as a violation of this Code. It shall be unlawful for anyone under the age in which that person can possess or purchase cigarettes, nicotine, or tobacco products to possess or purchase vapor products.

(b) The provisions of W.S.A. §134.66, regarding the sale or gift of cigarettes, nicotine, or tobacco products, exclusive of any monetary penalty contained therein, is hereby adopted by reference and made an offense punishable as a violation of this Code.

(c) ***Definitions.*** As used in this Section:

Vapor product means any noncombustible product or device, regardless of whether it contains nicotine, that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce a vapor that is intended to be inhaled by the person using the product. “Vapor product” includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device; and any cartridge or other container of a solution or other substance, regardless of whether it contains nicotine, that is intended to be used with or in an electronic

cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.

(d) **Penalty.** Any person who violates this section shall be penalized pursuant to section 1-18(b).

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

Dated: January 8, 2020

Timothy M. Hanna, Mayor

Kami Lynch, City Clerk

ADOPTED: January 8, 2020
PUBLISHED: January 13, 2020
Office of the City Clerk

4-20

AN ORDINANCE AMENDING SECTION 19-114 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO LOITERING IN OFF-STREET PARKING FACILITIES AND ON I-41/STH 441 OVERPASSES/BRIDGES PROHIBITED.

(Safety and Licensing Committee – 12/18/2019)

The Common Council of the City of Appleton does ordain as follows:

Section 1: That Section 19-114 of Chapter 19 of the Municipal Code of the City of Appleton, relating to loitering in off-street parking facilities and on I-41/STH 441 overpasses/bridges prohibited, is hereby amended to read as follows:

Sec. 19-114. Loitering in off-street parking facilities and on I-41/STH 441 overpasses/bridges prohibited.

No person shall enter, remain in or upon, loiter, stand, sit, lie, remain or otherwise occupy any off-street parking facilities, I-41 overpasses or bridges, or STH 441 overpasses or bridges, except for the purpose of motor vehicle parking, the necessary ingress and egress for parking, or for the customary pedestrian and/or bicycle travel upon and across highway overpasses and/or bridges.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

Dated: January 8, 2020

Timothy M. Hanna, Mayor

Kami Lynch, City Clerk