VILLAGE OF THIENSVILLE
PLAN COMMISSION
MINUTES

DATE: **Tuesday, May 12, 2020**

LOCATION: **Village of Thiensville**
250 Elm Street

TIME: **6:00 PM**

Join Zoom Meeting
https://us02web.zoom.us/j/85013741752?pwd=Vk5YQytPSmQ2T3FWcnNIL2Z6WHJaQT09

Meeting ID: 850 1374 1752
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I. CALL TO ORDER

Chairman Mobley called the meeting to order at 6:00 PM.

II. ROLL CALL

Chairman:	Van Mobley	
Commissioners:	Mike Dyer	Sarah Hughes
	Rick Gattoni	Ken Kucharski
	Carol Gengler	Dan Luedtke
Administrator:	Colleen Landisch-Hansen	
Planner:	Jon Censky	
Director of Community Services/Public Works:	Andy LaFond	

III. BUSINESS

A. Approval of Minutes
1. April 14, 2020

MOTION by Commissioner Luedtke, **SECONDED** by Commissioner Kucharski to approve the April 14, 2020 Plan Commission Minutes. **MOTION CARRIED UNANIMOUSLY.**

B. Review and approval of Playset, Adam Brotherhood, 706 Grand Avenue

Applicant Adam Brotherhood, 706 Grand Avenue, was present online. Mr. Brotherhood described the project. The playset will have a small frame with neutral colors and include two swings, a deck, a slide and a net ladder on the back. Mr. Brotherhood would like to place the playset on the side lot because it is the biggest portion of their yard.

Planner Censky reported that playsets have been regulated the same as accessory structures which must be in the rear yard. In this case, given the specifics of the lot and the approval of Mr. Brotherhood's neighbors, Planner Censky has no issues with the placement of the playset.

Director LaFond stated that this type of structure is approved at staff level, however, due to the placement of the playset being in the side yard it was brought before the Plan Commission for review.

MOTION by Commissioner Gengler, **SECONDED** by Commissioner Luedtke to approve the Playset, Adam Brotherhood, 706 Grand Avenue. **MOTION CARRIED UNANIMOUSLY.**

C. Review and discussion regarding Noise Ordinance and Outdoor Seating

Director LaFond presented a memo proposing amendments to the Village noise ordinance that stemmed from a meeting regarding a Conditional Use Permit at a local beer garden. The Village would like to create some consistency considering the number of requests to extend hours for music. The Village's current noise ordinance has no times associated with it. Staff is seeking feedback on the proposed hours. The Village Attorney and Planner Censky are also reviewing the memo. Staff has discussed the memo with Commissioner Kucharski and appreciates his input both as a Trustee and a business owner in the district.

The aim of the ordinance revisions are to provide clarity to the ordinance as it pertains to patios, live music and events in the business district, provide a schedule of acceptable times for these activities and reduce the amount of recurring special requests to the Village Board. Even though there is nothing detailed in the ordinance, past practice has been to ask for special permission for events past 10:00 PM.

Past practice has been that businesses were told 10:00 PM end time for noise, and some were told midnight. For municipal construction projects, contractors are told 7:00 AM to 7:00 PM. Any event with noise going past 10:00 PM is when a business would request permission to go later from the Village Board.

Proposed is a time change to 6:00 AM for commercial deliveries to assist businesses with deliveries and have dumpsters emptied before traffic picks up at 7:00 AM. Some complaints pertaining to snow removal have been made as well. A change is being proposed that allows normal snow removal activities within 24 hours of the end of a snowfall or ice accumulation which is in line with our snow removal ordinance.

Proposed is that an outdoor music venue can operate from May 1 to the Thursday before Memorial Day from 10:00 AM to 10:00 PM; from Memorial Day to Labor Day (Sunday through Thursday) from 10:00 AM to 10:00 PM; and then Fridays and Saturdays 10:00 AM to 10:30 PM, 11:00 PM or midnight – to be discussed. From Labor Day to October 3, the permitted time would be 10:00 AM to 10:00 PM. The proposal asks businesses to provide a schedule and a site plan at the beginning of the season. Patios and beer gardens could operate from 7:00 AM to midnight without amplified sound. Consideration is being made to cover future businesses not yet in existence in the Village or current businesses that want to include live music.

Director LaFond added that he has looked at similar ordinances from other municipalities. Some include decibel limits of 85 or 75 at the lot line, however, this is hard to enforce. Also, considered is allowing businesses to make special requests twice a year for a special event even if the establishment changes ownership.

The Village Attorney and Chief of Police will review and consult on enforcement.

Commissioner Dyer stressed consistency is the problem. Commissioner Hughes believes ending music by 11:00 PM is reasonable.

Commissioner Gattoni referenced the recent request by the baaree to extend hours and added that a decibel limit becomes very arbitrary. Turning speakers the other direction may not always help and a level of 75 decibels is equivalent to the sound made by a dishwasher. Commissioner Gattoni favors allowing music in the area and added that the Police Department should have specific equipment to measure noise levels.

Commissioner Kucharski stated that 85 to 89 decibels is similar to the music in the tent at Lionfest. Commissioner Kucharski suggested that the ordinance should include specifics about the meter that will be used to measure sound levels. Commissioner Kucharski supports ending music at 10:30 PM to be respectful to nearby residents and uniform patio hours which makes a level playing field for all businesses in the area.

Enforcement of the noise level is a concern of Commissioner Gattoni.

Commissioner Gengler voiced concern that if a 10:30 PM ending time is established that the music will go on until 11:00 PM. Commissioner Gengler also added that many neighbors do not call to complain because they don't want to be on a list of complainers. Commissioner Gengler agrees with Commissioner Hughes' idea of ending music at 11:00 PM and that adopting good guidelines is a necessity.

Commissioner Luedtke favors a 10:30 PM end-time for the music because it will take additional time to take down equipment and supports sitting outside later.

Commissioner Kucharski commended Village staff for putting a lot of work into the proposed noise ordinance.

Director LaFond clarified that the proposed ordinance allows music until 10:00 PM each day of the week with Fridays and Saturdays until 10:30 PM or 11:00 PM.

Commissioner Kucharski suggested that the Plan Commission could review the decibel guidelines in the ordinance after everyone has some experience with how it works.

D. Review and discussion regarding Small Business Temporary Measures During Social Distancing Restriction

Director LaFond stated that the Village would like to do whatever it can to help small businesses get back on their feet in light of the health pandemic. The Village will accommodate requests for tents, banners and signs, extending patio sizes and other temporary measures that will assist businesses with more flexibility during this time. Approvals would be conditional with an end date or a review date in September.

Planner Censky indicated that other communities are taking similar steps. For instance, the City of Cedarburg gave additional approval to allow staff to approve some requests and directed police to ease up on enforcement.

Commissioner Gengler appreciates the thought process of Village staff. Chairman Mobley added the Village is trying to work with everyone and make the best of the situation.

Scott Shully, Shully's Cuisine & Events, 146 Green Bay Road, was present. Mr. Shully appreciates that the Plan Commission and Village Board are being proactive. Much of Mr. Shully's catering business has been lost through much of the summer because of the pandemic. Mr. Shully' stated that it is refreshing to hear the Village discuss the situation in a manner that is proactive to business. Mr. Shully appreciates the support and efforts that the Village is taking to help businesses.

Chairman Mobley stated that the Village wants everyone to stay safe and also wants businesses in the Village to succeed. The Village will be flexible to help them.

All applicants <u>or</u> their contractors must be present for any approvals.

IV. STAFF REPORT

Director LaFond indicated there was nothing additional to report.

V. BUSINESS FROM THE FLOOR

Open to any citizen who wishes to speak on items not on the agenda. Please step to the podium and give your name and address for the record.

Commissioner Hughes inquired if Lionfest is going on as planned. Commissioner Kucharski reported that the Lions have a meeting scheduled this evening and expects a decision will be made tonight.

In regards to the Village Market, Director LaFond expects this will proceed with more spacing and other rules that will be put in place before the event begins for the season. Also, the Village Market will start two weeks later than originally planned.

Commissioner Gattoni noted that the Memorial Day parade has been canceled.

VI. ADJOURNMENT

MOTION by Commissioner Dyer, **SECONDED** by Commissioner Gattoni to adjourn the meeting at 6:44 PM. **MOTION CARRIED UNANIMOUSLY**.

Submitted by,	Approved by,	Signed by,
Amy L. Langlois Village Clerk	Andy LaFond Director of Community Services/ Public Works	Colleen Landisch-Hansen Administrator