

CITY OF WAUWATOSA

MEMORIAL CIVIC CENTER
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LEGISLATION, LICENSING & COMMUNICATIONS COMMITTEE

Meeting - Tuesday, June 13, 2006

Committee Room #2

PRESENT: Alds. Birschel, Didier, Ewerdt, Hanson, Krol (7:05 p.m.) -5

ALSO PRESENT: A. Kesner, Interim City Admin./City Attorney; Police Chief B. Weber; Dr. N. Kreuser, Health Officer; L. Nielsen, Public Health Nurse; B. Williams, Deputy City Clerk

EXCUSED: Ald. Becker

In the absence of the chair and vice-chair, the meeting was called to order by Deputy City Clerk B. Williams, who asked for nominations for a chair pro tem.

Moved by Ald. Ewerdt, seconded by Ald. Didier to nominate Ald. Birschel
as chair pro tem -4

Ald. Birschel assumed the chair.

Resolution supporting flags on North Avenue

Richard Bachman, 2229 N. 115th Street, requested the use of Wauwatosa letterhead for the distribution of letters to Wauwatosa businesses soliciting funds to support the placing of flags on North Avenue. Mr. Bachman asked for approval from the committee to make this official city business, putting the donated funds in a city account set up specifically for the flags.

(7:05 p.m. Ald. Krol arrived and assumed the chair) -5

Alds. Birschel and Krol applauded Mr. Bachman for his efforts.

Ald. Hanson asked where the postage for these mailings would come from and Atty. Kesner said it would be paid for out of the Flag account. Ald. Didier asked Mr. Bachman if he had someone to execute the letters or would he be seeking help from the city. Mr. Bachman said his wife would assist him. Ald. Didier asked Atty. Kesner if this would set a precedent for others who may want to do the same. Atty. Kesner replied project is supported from donations flowing through the city budget and is not precedent setting.

Moved by Ald. Birschel, seconded by Ald. Ewerdt to recommend supporting
Mr. Bachman's efforts to obtain donations for flags along North Avenue through
use of the city logo on letterhead and envelopes; contingent upon city attorney
approval of the letter requesting donations - 5

Wauwatosa Republican Club mandatory fine for political yard sign destruction or theft

Victoria Ostry, Chairman Wauwatosa Republican Club, is requesting the city adopt an ordinance making the destruction or theft of political signs on private property a mandatory minimum fine of \$1,000. Atty.

Kesner stated that there are no specific ordinances for this, but that there are current maximum penalties of up to \$2,000 for damage, destruction, theft, trespassing of personal property. He also mentioned that the bigger issue is catching the people in this offence rather than the amount of the fine.

Victoria Ostry, 1409 N.69th Street, commented that the \$1000 fine may help to stop the theft and/or destruction of the political signs. People have the right to voice their opinion and support the candidate of their choice without the fear of vandalism. She states that this is a serious problem in Wauwatosa and something should be done to stop it.

Carolyn L. Casser, 8112 W. Wisconsin Avenue, showed the committee pictures of signs that were damaged and defaced on her property and ultimately stolen a few days later. Ms. Casser stated that citizens should be able to display their choice of candidates and that these acts should be treated as crimes of vandalism.

Karen Albers, 2122 N. 107th Street, stated that during the 2004 Presidential election people assumed that their signs would be damaged or stolen. She worked on an election committee and people were coming in constantly for new yard signs.

Richard Badenhoop, 6323 W. Wisconsin Avenue, stated that without political signs people didn't know who was running or what candidate was for which party. He said that these signs are an important reminder for people to vote.

William Olmsted, 7423 Wellauer Drive, commented that trespassing and vandalizing these signs on private property was a lack of respect. He stated that someone in the city government should do something about this as it doesn't sit well with the residents.

Ald. Hanson asked Atty. Kesner if the city had mandatory fines for vandalism, theft, destruction of personal property and are political signs considered personal property. Atty. Kesner stated that if they are damaged or stolen it is considered destruction of property because it was on personal property. Atty. Kesner suggested that this ordinance be for all yard signs and not specifically political. Atty. Kesner said that the forfeiture would depend on the severity of issue and would be determined by the police officer or municipal judge.

Ald. Didier asked if there has ever been a problem like this with the flags on North Avenue, referring to Mr. Bachman's request. Atty. Kesner said that he was unaware of any theft or vandalism of flags. They are usually blown down.

Ald. Ewerdt commented that this problem is an irritation to the citizens and that he was in favor of the mandatory fine but thought that \$1,000 was too high. He suggested the ordinance encompass all yard signs and the minimum fine be \$250.

Moved by Ald. Ewerdt, seconded by Ald. Hanson that an ordinance be drafted for introduction to Council making the forfeiture for the theft or destruction of residential yard signs a minimum of \$250 plus costs – 5

Request to approve smoke-free restaurant ordinance exceptions

Dr. Kreuser reported on the restaurant /taverns requesting exceptions. These establishments have either already met the requirements or are in the process. Council approval is required prior to July 1 to grant

these exceptions. Dr. Kreuser recommended approving these exceptions contingent upon the completion of requirements.

Atty. Kesner stated that those establishments that are requesting exceptions from the smoke-free ordinance but have not yet completed requirements must automatically go smoke free as of July 1, 2006 and remain so until they have complied with ordinance requirements.

Moved by Ald. Birschel, seconded by Ald. Hanson to recommend approval of the smoke-free ordinance exception requests contingent upon completion of the ordinance requirements. -5

Operator license application by Helen B. Burnside, 8128 W. Lisbon Avenue, Milwaukee

Chief Weber noted the applicant has one conviction from 2004 that was noted on her application. Ms. Burnside was present and said she has completed all required courses following her conviction and has taken steps to prevent another occurrence. William Poull, owner of The Club Tap, 8828 W. North Avenue, said Ms. Burnside informed him of her conviction during her job interview. He said she is an excellent employee.

Moved by Ald. Birschel, seconded by Ald. Ewerdt to recommend approval of Ms. Burnside’s operator license application -5

Operator license application for Randall C. McLaughlin, 5315 W. Wisconsin Avenue, Milwaukee

The chair noted the applicant was not present. The chair ordered this item held for two weeks.

The meeting adjourned at 7:57 p.m.

Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin

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