



CITY OF WAUWATOSA  
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**COMMUNITY DEVELOPMENT COMMITTEE MEETING**  
**Tuesday, April 29, 2008**

PRESENT: Alds. Birschel, Hanson, Herzog, McBride, Meaux, Nikcevich, Stepaniak -7

EXCUSED: Ald. Treis

ALSO PRESENT: A. Kesner, City Atty.; N. Welch, Community Dev. Dir.; Chief D. Redman, Fire Dept.

Ald. Herzog as Chair called the meeting to order at 8:03 p.m.

**Proposed Beekeeping Ordinance**

City Attorney Kesner reviewed the proposed beekeeping ordinance requested by the UW Extension Urban Apiculture Institute to allow beekeeping in conservancy zoned districts. He emphasized that this would not allow backyard or rooftop beekeeping as is permitted in some suburban communities and urban areas. Conservancy zoning exists only on a portion of the county grounds that is more than 500 feet from residential areas. The public has been informed of this proposal and invited to comment through an article in today's Milwaukee Journal Sentinel as well as through information on the city web site.

Harris Byers, 1430 N. 64th Street, representing the UW Extension Urban Apiculture Institute provided new alderpersons with copies of the three beekeeping flyers he provided at the previous meeting, which have also been available on the city web site. Mr. Byers said that they will use European strains of honeybees that are bred for their gentle nature and suppression of swarming. A local breeder was sought out to find a strain that is non-aggressive and able to survive in southeast Wisconsin. He noted that his brother, who is allergic to the Belfast hornet, has been keeping bees for years. The Institute will teach techniques to keep the bees as calm as possible.

Holly Nannis, 1858 N. 68th Street, said she is a nurse and is allergic to bees but believes beekeeping can be done in a safe way. As with many things in nature, the public needs to be educated of possible dangers and necessary precautions. With the proposed location and skilled beekeepers, perceived risks can be reduced dramatically. Ms. Nannis saw this as a great opportunity for children and adults. Jim Price, 861 N. 60th Street, and Sonia Peters, 2236 N. 66th Street, also voiced their support. Mr. Price spoke of beekeeping in Milwaukee and at Wehr Nature Center and the advent of the intensive urban agriculture concept. Terry Kinnis, 2494 N. Bartlett Avenue, Milwaukee, a student of Mr. Byers, said this is breaking ground and setting a new precedent. It will help educate the public and spread beekeeping to other areas.

Ald. McBride supported the ordinance, noting that there are bees in the wild as well as two beekeeping locations in Milwaukee that are directly adjacent to Wauwatosa.

Ald. Nikcevich saw this as a great educational source that is very good for Wauwatosa. Her grandfather was a backyard beekeeper, and she is also familiar with beekeeping at Hawthorne Glen.

Ald. Meaux reported that he received only one call in opposition from someone concerned about potential city liability. Mr. Kesner explained that the actual beekeeping operation does not require a license but will need separate approval as a Conditional Use through the Plan Commission and Common Council. The city

does not have any liability from that standpoint, but some additional provisions could be added in connection with approval of the specific location.

Moved by Ald. Meaux, seconded by Ald. Hanson to recommend to Council adoption of the ordinance. Ayes: 7

### **Lease Agreement with Historical Society for Little Red Store**

The proposed lease agreement with the Wauwatosa Historical Society for the Little Red Store was held following discussion at the April 8 meeting. Mr. Kesner reported that language on potential cost overruns, maintenance, repair, and subrogation was discussed and clarified. There are essentially no changes from the previously reviewed draft.

Janel Ruzicka, 2127 N. 74th Street, executive director of the Historical Society, said they have been working on the agreement for a long time and would love to see the restoration take place this summer so that area of the Village is more welcoming. Regarding the question of potential subletting that was raised at the previous meeting, she said the option is there just in case it is needed. They plan to use this building as a visitor and community center where they will hold workshops and community meetings. Ms. Ruzicka observed that the Society has been able to manage the 5,380 square feet of the Kneeland Walker house for some time and should have no problems managing this structure, which has only 600 square feet.

Kathy Causier, 8213 Aberdeen Court, president of the Wauwatosa Historical Society, said they have proved themselves to be good stewards in the community with projects such as the historical restoration at East High School. They hope to be able to do that with this structure.

Moved by Ald. Stepaniak, seconded by Ald. Meaux to recommend approval of the lease agreement –

Ald. Meaux said that his district was involved in a fundraiser that contributed toward restoration of the Little Red Store. People in the community saw that this was a good cause. Ald. Birschel recalled the many faces of the Village and commended the Village BID and Historical Society's efforts. Ald. McBride recalled a time when the Little Red Store was in use and commented that the Tosa East restoration project in which he participated brought a lot of pride to the community. He commended the city and Historical Society for coming together on this.

The Chair suggested some minor changes in lease language to clarify specific provisions, including that approval of leases of over one year is at the Common Council's sole discretion and that subleasing or assigning the lease doesn't relieve the lessee of any obligations. Ms. Ruzicka indicated that the Historical Society would be agreeable to the suggested changes, which Mr. Kesner will include in the final draft.

Vote on the motion, Ayes: 7

### **Street Festival Permit – Sts. Constantine & Helen Greek Orthodox Church , 2160 Wauwatosa Avenue**

St. Constantine & Helen Greek Orthodox Church's request for a Street Festival permit for their annual Grecian Festival from June 13 to 15, 2008, was ordered held by the Chair due to the lack of a representative from the church.

### **Conditional Use – 10200 W. Blue Mound Road**

The committee reviewed a request by Rick L. Johnson and Cricket Communications for a Conditional Use in the AA Institutions District at 10200 W. Blue Mound Road for wireless antennas and related equipment. The Plan Commission unanimously recommended approval. Charles Mott, Cricket Communications, 1233 N. Mayfair Road, was present.

Ms. Welch reported that the applicant would like to install three cellular antennas and the related equipment on the roof of San Camillo. There are two existing antennas at that location that do not seem to have caused any concerns. There will be nothing on the ground to be screened or cause safety concerns.

Moved by Ald. Stepaniak, seconded by Ald. Hanson to recommend approval of the Conditional Use. Ayes: 7

### **Conditional Uses for Fiber Conversion Cabinets**

In introductory comments that apply to all four of the fiber conversion cabinet requests before the committee, Ms. Welch reported that the city has had a moratorium on approving fiber conversion cabinets for approximately the past five months due to safety concerns that arose after an explosion in a cabinet on North Avenue. Since then, staff has been working with AT & T and their representative and has received a forensic report stating that the problem was the particular batteries that were being used. Those batteries were also associated with problems in other applications and have been replaced in Wauwatosa. In a letter dated April 22, 2008, AT & T provided additional information about the batteries now being used. The Fire Department was fully informed, and the fire marshal reviewed the forensics report. Staff is prepared to move forward with the approval process after having every assurance the batteries are safe, the problems have been addressed, and there is no longer a perceived threat to public safety.

The Chair asked if recent legislative changes impact handling of these requests. Mr. Kesner said that changes in cable franchise law have eliminated the need for a statement on compliance with state and federal laws. AT & T has a statewide television video franchise and is moving fully forward under that law with a \$6 billion project nationwide. Wauwatosa is at the front edge of that project; Wauwatosa and Milwaukee likely have more subscribers using this cutting edge technology than anywhere else.

#### 1615 Wauwatosa Avenue

The committee reviewed a request by St. Matthew's Evangelical Lutheran Church and Ed Polito, agent for AT & T Wisconsin, for a Conditional Use in the Village Trade District for a fiber conversion cabinet. The Plan Commission unanimously recommended approval with standard conditions of appropriate landscaping/screening and use of a white label on the box rather than orange. Ed Polito, MI-Tech Services, 16510 W. Rogers Drive, New Berlin, and Steve Olig, 1122 Moore Avenue, West Bend, were present.

Ms. Welch reported that this cabinet would be near the west property line of the church's auxiliary parking lot on the west side of Underwood Avenue across from the rear of the church. The concerns of an adjoining neighbor who attended the Plan Commission meeting were addressed to his satisfaction.

Moved by Ald. Stepaniak, seconded by Ald. Hanson to recommend approval of the Conditional Use at 1615 Wauwatosa Avenue –

Asked about the easement from the church, Mr. Polito said that it dates back to the late 1980s. There is an existing box in that easement area, and AT & T is exercising their rights to place another box. Mr. Olig added that he worked with the church and reached an agreement prior to applying for the use. Since any payments to St. Matthew's would have been made at the time of the original installation, Mr. Kesner confirmed that there would be no conflict for Aids. Birschel and McBride, as members of the church, to vote on this item.

The Chair questioned the operation of fans inside the boxes, noting that the fan seems to run continuously in the unit near his home. Mr. Olig said that there is a unit that continuously circulates the air for the electronics. The fan for actual cooling is louder and operates when temperatures are over 90 degrees. The new low-profile cabinets are significantly quieter.

Vote on the motion, Ayes: 7

#### 10125 W. North Avenue

The committee reviewed a request by CDJLT II LLP and Ed Polito, agent for AT & T Wisconsin, for a Conditional Use in the AA Professional Office District for a fiber conversion cabinet at near the south property line behind the building at 10125 W. North Avenue. The Plan Commission unanimously recommended approval with the standard conditions of appropriate landscaping/screening and a white rather than orange label.

Ms. Welch reported that an adjacent neighbor appeared at the Plan Commission and asked a number of questions, all of which were resolved by the end of the meeting.

Moved by Ald. Birschel, seconded by Ald. Nikcevich to recommend approval of the Conditional Use at 10125 W. North Avenue. Ayes: 7

#### 7900 Harwood Avenue

The committee reviewed a request by Harwood Place Associates and Ed Polito, agent for AT & T Wisconsin, for a Conditional Use in the AA Business District for a fiber conversion cabinet. The Plan Commission unanimously recommended approval with the standard conditions of appropriate landscaping/screening and a white label rather than orange.

Moved by Ald. Hanson, seconded by Ald. Birschel to recommend approval of the Conditional Use at 7900 Harwood Avenue. Ayes: 7

#### 6950 W. State Street

The committee reviewed a request by Edward Polito, agent for AT & T, and State Street LTD Partners for a Conditional Use in the AA Business District at 6950 W. State Street for a fiber conversion cabinet. This request was first reviewed in November with a proposed location closer to the corner of 70th and State Streets. In response to the committee's request to investigate a location farther from the intersection, the applicants have returned with a new location at the rear of the Pick 'N Save property along St. James Street. An existing fence will help screen the installation from residential neighbors.

Moved by Ald. Nikcevich, seconded by Ald. Hanson to recommend approval of the Conditional Use at 6950 W. State Street. Ayes: 7

### **Mutual Aid Box Alarm System Agreement**

Chief Redman recommended authorizing city officials to execute an updated agreement for continued participation in the interstate Mutual Aid Box Alarm System (MABAS). Since the city first entered into this system in 2004, the system has replaced separate agreements between individual communities with a common agreement used by all participants. The State of Wisconsin has adopted MABAS as the state's mutual aid system, and statutes have been updated to reflect participation by any city that adopts the agreement. The city's liability insurer provided recommendations for changes to the agreement to protect member cities' liabilities. Several Midwestern states recognize this as an interstate agreement.

Chief Redman endorsed the agreement as a great deal for fire department operations within the state and across state lines. It allows participants to get the needed resources to address any size incident that may

occur. There is a standardized format for operation at emergency scenes with everyone using the same radio channels and procedures. The city pays membership dues to the appropriate MABAS division, which is the suburban fire departments of Milwaukee County, and there is indirect support to the state MABAS organization for maintaining a website and related incidentals. There is minimal additional cost for office supplies such as binders, photocopies, and postage. Updating radio infrastructure to install the common radio channel was covered through a grant program, but all other costs are covered by the department's operating budget. For the value, the cost is minimal, Chief Redman felt. He noted that Wauwatosa is the primary dispatcher for the Milwaukee suburban division and Oak Creek is secondary.

Moved by Ald. Stepaniak, seconded by Ald. Meaux to recommend execution of the updated MABAS agreement. Ayes: 7

The meeting adjourned at 8:50 p.m.

Carla A. Ledesma, City Clerk  
Wauwatosa, Wisconsin

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