



## CITY OF WAUWATOSA

MEMORIAL CIVIC CENTER  
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### COMMUNITY DEVELOPMENT COMMITTEE

Meeting – Tuesday, May 31, 2011

Committee Room #1

PRESENT: Alds. Birschel, Nikceвич, Organ (8:15 p.m.), Pantuso, Roznowski, Wilke – 6

EXCUSED: Alds. Jay, Meaux

ALSO PRESENT: A. Kesner, City Atty.; E. Miller-Carter, Asst. City Atty.; P. Enders, Econ. Devel. Dir.; N. Welch, Comm. Devel. Dir.

Ald. Wilke as Chair called the meeting to order at 8:10 p.m.

#### **10506 W. Blue Mound Road – Conditional Use – hot dog vending cart**

Ms. Welch commented that the hot dog vending cart would be located in the parking lot of a medical office. Their hours of operation would be 5:00 to 9:00 p.m. daily and federally recognized holidays so as to not conflict with the business hours of the medical office.

Present in favor: Michael Isherwood, N104 W15259 Donges Bay Road, Germantown  
Jake R. Wood, 10506 W. Blue Mound Road

Mr. Wood and Mr. Isherwood described the business as an educational process for Mr. Isherwood's daughter. They assured the committee that the hot dog cart would not interfere with the use of the parking lot during the day. The cart would also be placed on the south end of the parking lot away from the residential homes on the north.

Moved by Ald. Birschel, seconded by Ald. Nikceвич to recommend approval of the Conditional Use contingent upon: 1) hours of operation from 5:00 to 9:00 p.m. daily, and federal holidays; and 2) obtaining the necessary licenses and permits – 6

Ald. Wilke relinquished the chair to Ald. Organ at 8:20 p.m.

#### **611 N. Mayfair Road – Conditional Use – massage therapy**

Ms. Welch noted that this was an existing business that was changing owners due to legal issues. Their proposed hours of operation are 9:00 a.m. to 9:00 p.m. daily.

Present in favor: Lay Phommasack, 26627 Waubeesee Drive, Wind Lake

Moved by Ald. Birschel, seconded by Ald. Pantuso to recommend approval of the Conditional Use contingent upon: 1) hours of operation from 9:00 a.m. to 9:00 p.m. daily, and 2) obtaining the necessary licenses and permits – 6

### **7400 W. State Street – Conditional Use – indoor playground and recreation facility**

Ms. Welch reported that the applicant would like to operate an indoor playground for children from infants to ten years old. She emphasized that this will not be a daycare facility; however, on occasion they may allow parents to leave their children while they go to dinner in the area.

Present in favor: Mary Pruitt Martinez, 2452 N. 82<sup>nd</sup> Street  
Kathy Ehley, Exec. Dir., Village BID, 7437 Kenwood Avenue  
Brian Randall, Friebert, Finerty, and St. John, S.C., 330 E. Kilbourn Ave., Milw.

Ms. Martinez was very excited to bring this business to Wauwatosa. She mentioned the “Drop and Dine” program for parents emphasizing that because her business was not a daycare she could not offer more than four hours each week for the service. She added that she may have other civic groups like the Girl Scouts or the Boy Scouts volunteer with the children to be able to earn service hours.

Ms. Ehley noted that people in the State Street area have been waiting for a business like this. She was very enthusiastic about this business opening in the village.

Mr. Randall was also very supportive saying that he planned on using the service with his family.

Moved by Ald. Roznowski, seconded by Ald. Pantuso to recommend approval of the Conditional Use contingent upon: 1) hours of operation from 9:00 a.m. to 9:00 p.m. Monday through Saturday, and 2) obtaining the necessary licenses and permits – 6

### **Economic Development event – Hoyt Park Pool – June 1, 2011**

Ms. Enders gave an overview of the event being sponsored by the Common Council and the Economic Development Advisory Committee. The program will begin at 4:30 p.m. at Hoyt Park Pool. She said that about 150 people responded. There will be a mix of local officials, state and county officials, developers and business people. Basically this will be a chance to meet and talk with others involved in development in Wauwatosa. It is also a way to learn more about the efforts of the Economic Development Advisory Committee starting with the establishment of the Community Development Authority in April.

Ald. Nikcevich voiced a number of concerns about the dissemination of information to Council members.

Mr. Bob Simi, Chair, Economic Development Advisory Committee, explained the committee’s focus and goals. Ms. Enders stressed that this event was more a marketing event to familiarize the public with the assets of Wauwatosa. She noted that they have had many positive responses.

Ald. Organ thought the event was a very nice part of the process and she hoped that it will be a great success.

### **HSI Properties proposed parcel donation**

Mr. Kesner reported that HIS Properties, the future owners of the Derse property, located at N. 62<sup>nd</sup> Street and Martin Drive, have offered to donate this land which is a wooded bluff hillside containing a portion of the Schoonmaker Reef. He noted that there may be a need for minor maintenance and increased security. This would be a great resource for educational purposes. The reef is a pre-eminent

source of geological research not only in the state, but throughout the world. Ms. Welch agreed citing that Schoonmaker Reef has been the source of numerous articles written in many scientific journals.

Gary Kandziora, 6124 W. Martin Drive, expressed concern about his business being interfered with as people visit the reef. He was also concerned with the continuing air pollution in the area coming from the Grede Foundry.

Kathy Ehley, 7437 Kenwood Avenue, encouraged acceptance of this gift saying that it is very important to Wauwatosa and should be preserved.

Jim Price, 861 N. 60<sup>th</sup> Street, noted that he had spoken to someone in Spain who knew about the reef. He added that it is a fabulous part of Wauwatosa.

Ald. Pantuso asked about the value of the land. Mr. Haney responded that the assessed value is estimated to be about \$350,000. Ald. Pantuso asked if language could be put in that would prohibit the reef from being sold by future Common Councils.

Mr. Kesner noted that they can place a restrictive covenant and a conservation easement in the agreement that would restrict the city's ability to do anything but preserve the area. Ald. Roznowski expressed support for the idea especially to be able to preserve it. Ms. Welch concurred that the reef is a geologic monument and needs to be preserved. She added that the area needs to be kept clean and the area should be cleared to make it look more visible.

Mr. Haney noted that it was his intent to include a preservation easement in perpetuity. He added that his company had already spent money on a survey and title which would save the city having to do that.

It was the consensus of the committee to support the donation.

Ald. Organ asked about the size of the parcel. Mr. Haney responded about 2.7 acres. Ms. Welch stressed that nothing could be built on the reef because of the topography.

### **Creation of a second hand dealers ordinance**

Ms. Miller-Carter noted that the current version of the second hand dealer's ordinance has eliminated books and clothing as reportable items except for furs. The threshold for reporting has also been raised to \$50. The police department said that these objectives would be helpful. The police department has also asked for a 30-day holding period to give victims time to identify their possessions.

Detective Dan Collins noted that the 30-day holding period is very important to them. He introduced Karen Roy, 8130 Jackson Park Blvd., a police department employee, working with the second hand dealer registration cards. She believes that the city should have a strong ordinance. Det. Collins also introduced Mr. Shane Kennedy, 1250 W. Sunset Drive, Waukesha from Target Corporation security.

Mr. Kennedy urged the ordinance to be approved in order to support security in the stores like Target.

Ms. Jessica Brittingham, 2468 N. 70<sup>th</sup> Street, owner of the U-Turn second hand store had concerns about some of the merchandise in her store. She was told by Ms. Miller-Carter that clothing and costume jewelry were not included in the ordinance. Even purses marked as high end like Coach may be knock-offs. Only precious gems and furs are included and if a fur is bought at an estate sale by the owner of the store, it is exempt.

Brian Randall, Friebert, Finerty, and St. John, S.C., 330 E. Kilbourn Ave., Milw., appeared on behalf of Half Price Books which has a warehouse in Wauwatosa. Their concern is with the large quantities of CDs and DVDs that they take in and sell. His clients are concerned about the effect of this ordinance on their business. He was asking for the committee to strike a balance between what is good for the public and for the business. They feel the 30 day holding period is too long and the \$50 limit is too low.

Ms. Miller-Carter stressed that the latest version of the ordinance conforms to State Statute. Requirements for identification are in place right now. The name and address of the owner/manager is already on the license. She reiterated that businesses would not have to report purchases from estate sales.

A discussion continued regarding what constituted a collection. Mr. Kesner explained that a collection would be the group of items that were being brought in not items in their original packaging. He added that the Wauwatosa ordinance does not cover items coming from other cities.

A discussion continued regarding the number of days to hold an item and whether 30 days would hurt the business. Det. Collins felt confident that a 30 day holding period was a more than adequate.

The committee recessed at 10:24 p.m. and reconvened at 10:35 p.m.

Det. Collins urged a strong ordinance in case the city might have to deal with pawn shops in the future.

Ald. Pantuso wanted to hold off on recommending approval of this ordinance in order to see how things go with the Greenfield second hand dealer ordinance. Mr. Kesner suggested lowering the number of holding days for those using the web site as a reporting tool.

Moved by Ald. Nikcevich, seconded by Ald. Roznowski to recommend introduction of a second hand ordinance to the Common Council including the following revisions: 1) page two, paragraph D revised by the City Attorney pertaining to online sales of secondhand merchandise, 2) the City Attorney rewords changes to storage on page one, paragraph A, and 3) the number of days holding being changed to 30 days for those using the card system and 21 days for those using the web site to make their reports. Vote on the motion was Ayes: 5, Noes: 1 (Pantuso)

### **Proposed ordinance appointing authority and repeal of the Landmark Commission ordinance**

Mr. Kesner commented that they are in the process of reviewing the committee appointment process in general. The repeal of the Landmark Commission ordinance is requested because it is not in use any more. The concern about the appointment process is that many times the Council has to vote to approve appointments under suspension of the rules. He noted that appointments can be approved by first reading of the Common Council provided that the name is on the final agenda.

Moved by Ald. Pantuso, seconded by Ald. Birschel to take a vote on both items separately --

A number of committee members were not comfortable with shortening the time for appointments to be approved. They felt the need for more notice.

Vote on the motion was Ayes: 6

Mr. Kesner advised that the committee could modify the process for appointments by using the current ordinance. In other words, an appointment could go to the committee as a notification and then go to the Council for approval the next week.

It was the consensus of the committee to work within the framework of the current ordinance.

Moved by Ald. Pantuso, seconded by Ald. Birschel to recommend  
introduction to the Council the repeal of the Landmark Commission  
ordinance – 6

The meeting adjourned at 11:12 p.m.

Carla A. Ledesma, City Clerk  
Wauwatosa, Wisconsin

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