



CITY OF WAUWATOSA

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COMMUNITY DEVELOPMENT COMMITTEE MEETING Tuesday, May 12, 2009

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

EXCUSED: Ald. Dennik

ALSO

PRESENT: A. Kesner, City Attorney; J. Archambo, City Administrator

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

Proposed Ordinance – Naming of City Property

City Attorney Kesner reported that the proposed ordinance creating Section 1.34 of the Code to establish a process for the naming of City property, was drafted by Ald. McBride and seems to fit within the powers of the Common Council. Although individual situations would have to be considered, it seems that the limitations that are included would be enforceable. The question of excluding religious organizations has not been tested in this context, he noted.

Jill Gaertner, 6829 Terrace Court, a member of the Parks Board, supported the ordinance guidelines, which she noted would be helpful when seeking funding from foundations or corporations in particular. The Chair noted that Ms. Gaertner also submitted an email statement of support.

Ald. Birschel reported on his collaboration with Ald. McBride and review of ordinances and policy or procedure statements of other communities. He also detailed a research paper on the history and use of naming rights and said that this ordinance seems to fall within the parameters of that document.

Ald. McBride noted language relating to faith-based and religious organizations and said that in drafting the ordinance he borrowed language from other entities including the University of Wisconsin; City of Fargo; Greenwood, CO; University of New South Wales; and Allegheny County, Pennsylvania. He confirmed that the name of Hart Park itself is excluded from consideration. He anticipated that if the city found it necessary to withdraw a naming privilege, any payments would be forfeited. That condition would be part of any contract drafted by the City Attorney, who would be responsible for carrying out the policy.

Mr. Kesner commented that calling this a privilege rather than a right avoids limitations seen in other cases, and having a policy protects the ability to make those decisions in the future. When the Chicago Park District rejected a name, they were held responsible because they had no policy in place.

Ald. Stepaniak raised the question of legitimate commercial organizations with legitimate products that might nonetheless be objectionable in some way. Mr. Kesner referred to draft language stating that a name would not be approved which . . . “is associated in any manner with alcohol, tobacco, gambling, *or other matters* which might reflect poorly on the City or set an improper example for children . . .” The ordinance will have general guidelines and provide the power for the Common Council to make those decisions.

Ald. Herzog asked about the stated preference “to commemorate the contributions of individuals or families to the Wauwatosa and Milwaukee communities, to the State of Wisconsin, or to the United States of America.” Ald. McBride said that language recognizes concerns he has heard but could be eliminated since it will ultimately still be up to the Common Council.

In discussing definitions of terminology such as “might reflect poorly,” “good character,” or “dishonor,” it was noted that by listing specific examples, any exclusions from that list could become an issue.

Ald. Herzog questioned the requirement for approval by a two-thirds Council vote. He noted that only a simple majority would be needed for repeal and raised the possibility of enacting a charter ordinance. Ald. McBride indicated that approval could be by majority vote or some other flexibility would be acceptable. Mr. Kesner explained that a charter ordinance can also be repealed by simple majority vote but ordinance repeal would not become effective for 60 days, during which time an objection could take it to referendum.

Ald. Herzog suggested eliminating the final phrases in the criteria stating that the Council shall not approve a name that “. . . would be discriminatory or derogatory considering race, gender, religious or political affiliation, *or similar factors, or is otherwise associated in any manner with intolerance . . .*” His concern was potential application of that language to benevolent organizations such as the Boy Scouts. Mr. Kesner recommended retaining “*or similar factors.*”

Moved by Ald. Hanson, seconded by Ald. McBride to recommend to Council introduction of the ordinance as drafted with the exception of deleting “or similar factors or as otherwise associated in any manner with intolerance” in Section B 3(b) and revision of Section C 1 to allow for less than a two-thirds Council vote.
Ayes: 6; Noes: 1 (Meaux)

The meeting adjourned at 8:52 p.m.

Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin

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