



CITY OF WAUWATOSA

7725 WEST NORTH AVENUE
WAUWATOSA, WI 53213
Telephone: (414) 479-8917
Fax: (414) 479-8989
<http://www.wauwatosa.net>

COMMUNITY DEVELOPMENT COMMITTEE MEETING Tuesday, June 9, 2009

PRESENT: Alds. Birschel, Dennik, Hanson, Herzog, McBride, Meaux, Nikcevich, Stepaniak -8

ALSO A. Kesner, City Attorney; N. Welch, Community Dev. Dir.; W. Kappel, Dir. of Public
PRESENT: Works; T. Szudy, Planner; K. Rusch, Admin. Intern; J. Archambo, City Administrator

Ald. Herzog as Chair called the meeting to order at 8:05 p.m.

Conditional Use – Outdoor Dining at 7203 W. North Avenue

The committee reviewed a request by Theo and Helen Tselentis for a Conditional Use in the Trade District at 7203 W. North Avenue for outdoor dining. Ms. Szudy reported that this previously approved restaurant would like to place six or seven outdoor tables between the building and the parking lot. The Plan Commission recommended approval with hours of operation of 6 a.m. to 11 p.m. and with curb stops of some type and planters to buffer the tables from the parking lot.

Helen Tselentis, 3227 N. 96th Street, said that in the future they may want to add more tables in a space to the rear of the building. Ms. Szudy indicated that that would require a separate approval process so that neighboring property owners could be properly notified.

Moved by Ald. Nikcevich, seconded by Ald. Birschel to recommend
to Council approval of the Conditional Use –

Ald. Birschel noted that there was some concern at the Plan Commission meeting about tables in front of an emergency door, but it was confirmed that the proposed placement would not infringe on the exit.

Vote on the motion, Ayes: 8

Conditional Use – Restaurant with Outdoor Dining at 7225 W. North Avenue

The committee reviewed a request by David Lamb for a Conditional Use in the Trade District at 7225 W. North Avenue for a restaurant with outdoor dining. Ms. Szudy reported that the Plan Commission unanimously recommended approval of the restaurant with hours of operation of 7 a.m. to 11 p.m. Mr. Lamb withdrew the request for outdoor dining. Mr. Lamb was present.

Moved by Ald. Nikcevich, seconded by Ald. Dennik to recommend
to Council approval of the Conditional Use. Ayes: 8

Conditional Use – Sidewalk Seating at Juniper 61, 6030 W. North Avenue

The committee reviewed a request by Cameryn Roberts and Sarah Jones for a Conditional Use in the Trade District at 6030 W. North Avenue for sidewalk seating at Juniper 61. Ms. Szudy reported that Juniper 61

would like to add four tables for smokers under the awning at the front of their building. The previously approved outdoor area at the rear would remain non-smoking. The Board of Public Works and Common Council approved the encroachment into public right-of-way, and the Plan Commission unanimously recommended approval of the Conditional Use with hours of operation of 8 a.m. to 11 p.m., which is consistent with the outdoor area to the rear. Ms. Jones was present.

Moved by Ald. Stepaniak, seconded by Ald. Nikcevich to recommend to Council approval of the Conditional Use –

Ald. Birschel noted the need to maintain sufficient room for pedestrians, which the Chair indicated is covered by the encroachment agreement.

Vote on the motion, Ayes: 8

Change of Zoning – Portion of 1530 Church Street

Ms. Szudy outlined a request by the City of Wauwatosa for a Change of Zoning from BB Two Family Residence District to Village Trade District for an approximately 20 ft. by 60 ft. portion of 1530 Church Street being purchased by the City for fire station construction. Setting a Common Council public hearing date is necessary at this point. The matter will return to committee following the hearing.

Moved by Ald. Birschel, seconded by Ald. McBride to recommend to Council introduction of a rezoning ordinance and adoption of a resolution setting a public hearing date. Ayes: 8

Land Combination – 1531-1615 Underwood Avenue, Portion of 1530 Church Street

Ms. Szudy outlined a request by the City of Wauwatosa for a Land Combination by Certified Survey Map in the Village Trade District at 1531-1615 Underwood Avenue and a portion of 1530 Church Street. This will combine all the fire station parcels into one buildable lot. The Plan Commission unanimously recommended approval.

Moved by Ald. Dennik, seconded by Ald. Hanson to recommend to Council approval of the Land Combination by Certified Survey Map contingent upon completion of acquisition by the City. Ayes: 8

Proposed Ordinance – Naming of City Property

The proposed ordinance creating Section 1.34 of the Code establishing a process for the naming of City property was referred back to the committee by the Common Council. Mr. Kesner reported that, upon further review, staff believes that the duties delegated to the Community Development Director relating to approval of naming requests would more appropriately be handled through the Board of Public Works. Those over the specified threshold amount, now drafted at \$5,000, would be sent for Council approval after initial Board review. The City Attorney chairs the Board of Public Works, which also includes the Community Development Director, the Finance Director, the Chief Inspector, and the City Clerk. Staff also recommends market research by the Community Development Department at the time any approval comes forward rather than establishing a standing price list, as the ordinance now states.

Mr. Kappel, Director of Public Works, explained that he has been involved with naming issues previously but was not available for previous committee discussion. Feeling that it makes sense to take naming of public facilities to the Board of Public Works, he initiated the staff review.

Mr. Kesner responded to the question from the previous meeting of the necessity for an ordinance. Whether by ordinance or formal policy statement, he said that it is important to have a pre-prepared policy prior to any discussion of naming so as not to create a public forum where anyone is allowed to place a name on a facility. The Chicago Park District case, which they lost, is probably the most well known example of an entity without an advance policy being sued over a naming issue.

The Chair stated that he would support the ordinance only if “in any manner” is removed from section 3b, the requirement for a two-thirds Council vote is removed, there is clarification that the Hart Park bleachers are not subject to the ordinance; and the threshold for Council approval is raised from \$5,000 to perhaps \$15,000.

Tom Gaertner, 6829 Terrace Court, agreed that it is important to have a policy for the reasons that have been pointed out.

Ald. Birschel favored removing the two-thirds Council vote requirement and suggested that the ordinance be forwarded to the July 7th Council meeting since Ald. McBride, who initiated it, will not be present at the next Council meeting. In response to a suggestion regarding a list of monetary values, Mr. Kesner explained that, rather than a list, the recommendation is for the Community Development Director to research the value at the time a specific proposal comes forward.

Mr. Kesner suggested adding a requirement in section C1 for naming requests to be presented on a form specified by the Board of Public Works.

Moved by Ald. Dennik, seconded by Ald. Hanson to recommend adoption of the ordinance with a \$15,000 threshold for Council approval and other changes discussed; i.e.: removal of “in any manner” from section B3; removal of 2/3 Council vote requirement; clarify that bleachers are not subject to the ordinance; approval handled through the Board of Public Works with final approval by Council for those over threshold amount; submission of requests to the Board of Public Works on a form specified by the Board; and removal of section B7 relating to creation and maintenance of a list of monetary values; with the understanding that the Common Council vote on approval of this ordinance would take place at the July 7, 2009 meeting --

Ald. Meaux noted his suggestion from the previous meeting to move Section A3 to Section B Criteria to provide more direct guidance on the preference for names having some connection to the City.

The mover and second accepted a friendly amendment by Ald. Meaux to move section A3 to section B Criteria –

Ald. Meaux said that, having no idea what market research would say on the value of property from a naming rights standpoint, he would be comfortable with a \$5,000 threshold for Council approval as a starting point. He favored retaining the requirement for a two-thirds Council vote to more accurately reflect a larger consensus.

Moved by Ald. Meaux, seconded by Ald. Stepaniak to amend the motion to require two-thirds Council vote and change the \$15,000 threshold to \$5,000 –

Ald. McBride explained that he felt the \$5,000 would better allow for citizen input at the Council level. The higher the threshold, the less input. By starting low, we can better determine what the going rate is and

raise the threshold if necessary. Ald. Stepaniak spoke of his observations of places around the country where control of the naming process had seemingly been lost. The more transparency the better, he agreed. Ald. Nikceovich concurred with a \$5,000 threshold until there is a sense of the amounts being donated.

The Chair reiterated his desire to remove the requirement for a two-thirds Council vote, noting that the City can raise taxes on a simple majority vote.

Roll call vote on the amendment, Ayes: 4; Noes: 4 (Birschel, Dennik, Hanson, Herzog)

Roll call vote on the original motion, Ayes: 4; Noes: 4 (Meaux, Nikceovich, McBride, Stepaniak)

Moved by Ald. McBride, seconded by Ald. Nikceovich to recommend approval of the ordinance as originally moved but with a 2/3 vote requirement and \$10,000 threshold for Council approval –

Moved by Ald. Hanson, seconded by Ald. Dennik to amend the motion by removing the 2/3 vote requirement.

Roll call vote on the amendment, Ayes: 4; Noes: 4 (Meaux, Nikceovich, McBride, Stepaniak)

(The meeting recessed at 8:50 and reconvened at 8:59 p.m.)

Moved by Ald. Meaux, seconded by Ald. Stepaniak to amend the motion to a \$5,000 threshold and approval by a majority vote of the Common Council.

Roll call vote on the amendment, Ayes: 5; Noes: 3 (Dennik, Hanson, Herzog)

The mover and seconded accepted a friendly amendment to section C4 to make any plaque or sign subject to Board of Public Works approval up to the threshold amount and Council approval beyond that amount.

Roll call vote on the motion as amended, Ayes: 5; Noes: 3 (Dennik, Hanson, Herzog)

The Chair verified the intent to forward this for vote at the July 7th Council meeting.

The meeting adjourned at 9:02 p.m.

Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin

es