



CITY OF WAUWATOSA
COMMUNITY DEVELOPMENT COMMITTEE
MINUTES • FEBRUARY 10, 2015

Regular Meeting

Committee Room #1

7:00 PM

7725 West North Avenue, Wauwatosa, WI 53213

COMMUNITY DEVELOPMENT COMMITTEE ITEMS

Attendee Name	Title	Status	Arrived
Kathleen Causier	Aldерwoman	Present	
Craig Wilson	Alderman	Present	
Tim Hanson	Alderman	Excused	
Bobby Pantuso	Alderman	Present	
Cheryl Berdan	Aldерwoman	Present	
Matthew Stippich	Alderman	Present	
Michael Walsh	Alderman	Present	
Allison Byrne	Aldерwoman	Present	
Alan Kesner	City Attorney	Present	
Paulette Enders	Development Director	Present	
Anthony Brown	Asst. to Administrator	Present	

1. Class "B" Beer and Class C Wine application by Povohat, LLC d/b/a Dickey's Barbeque Pit, 3180 N. 124th Street Ste. D, Craig Hatfield, agent for the period ending June 30, 2015

Reserve Class "B" Beer and Class C Wine License application by Dickey's BBQ Pit, 3180 N. 124th Street, Craig A. Hatfield, agent for the period ending June 30, 2015.

Mr. Hatfield was present and told the committee that they would like to be able to offer their customers the opportunity to have a drink. He felt that about 1% of their sales would be liquor.

Moved by Ald. Wilson, seconded by Ald. Walsh
to recommend approval of the Class "B" Beer and Class C
Wine license - Ayes: 7

RESULT:	RECOMMENDED FOR APPROVAL [UNANIMOUS] Next: 2/17/2015 7:30 PM
TO:	Common Council
MOVER:	Craig Wilson, Alderman
SECONDER:	Michael Walsh, Alderman
AYES:	Causier, Wilson, Pantuso, Berdan, Stippich, Walsh, Byrne
EXCUSED:	Hanson

2. An Ordinance creating Section 8.13 of the Wauwatosa Municipal Code to ban smoking of electronic devices in city buildings and vehicles and restrict access of electronic cigarettes to minors

The committee reviewed the ordinance creating Section 8.13 of the Municipal Code to ban smoking of electronic devices in City buildings and vehicles and to restrict access of electronic cigarettes to minors.

This item is back for adoption.

Moved by Ald. Byrne, seconded by Ald. Causier
to recommend adoption to create Section 8.13 of the Municipal Code
to ban smoking of electronic devices in City buildings and vehicles and
restrict access of electronic cigarettes to minors - Ayes: 6 Noes: 1 (Wilson)

THE COMMON COUNCIL OF THE CITY OF WAUWATOSA HEREBY DO ORDAIN AS FOLLOWS:

PART I. Section 8.13 of the Wauwatosa Municipal Code is hereby created to read in its entirety as follows.

8.13.10. Findings. The Common Council of the City of Wauwatosa finds that:

- A. Electronic nicotine delivery systems (ENDS) and electronic smoking devices provide an alternative smoking experience to tobacco cigarettes. Electronic smoking devices are not subject to regulation by the Federal Food and Drug Administration (FDA) and have not been proven safe for either users or bystanders. The contents of cartridges vary widely and may contain nicotine, traces of nicotine, carcinogens, formaldehyde, antifreeze and other toxic substances which may pose health risks for users and bystanders. Electronic smoking devices do not produce a gas or vapor but rather a dense visible aerosol of liquid submicron droplets consisting of glycols, nicotine, and other chemicals, some of which are carcinogenic. Packaging does not consistently include health warnings as required for conventional cigarettes and does not provide notice of harmful effects, nicotine concentration levels, or the existence or content levels of toxic substances.
- B. Electronic smoking devices have been proven to emit nicotine, ultra-fine particles, volatile organic compounds and other toxins. Inhalation of nicotine is proven to be dangerous to everyone, especially children and pregnant women. Exposure to ultrafine particles are distressing and harmful and may exacerbate respiratory illnesses, such as asthma and may constrict arteries which could trigger a heart attack. The volatile organic compounds, such as formaldehyde and benzene, found in electronic smoking device aerosols, as well as conventional cigarette smoke, are proven carcinogens. Inhalation of vaporized nicotine in propylene glycol is not FDA approved. Short term exposure to propylene glycol causes eye, throat, and airway irritation and long term inhalation can result in developing asthma. Some studies show that heating propylene glycol changes its chemical composition, producing small amounts of propylene oxide, a known carcinogen. There are metals in electronic smoking device aerosol, including chromium, nickel and tin nanoparticles.
- C. Youth in particular may be more vulnerable to the marketing and appeal of electronic smoking devices and may migrate from these devices to conventional cigarettes and tobacco products. Electronic smoking devices which contain nicotine can create or sustain a nicotine addiction. Nicotine is an addictive and harmful substance. Electronic smoking devices can pose health risks from which minors should be protected. Access to these substances and devices by youth should be restricted.

8.13.020. Purpose and Authority.

The ordinance is adapted for the purpose of protecting the public health, safety, comfort and general welfare of the people of the City of Wauwatosa. This ordinance is adapted under the authority of Wis. Stat. sec. 101.123(4m).

8.13.030. Definitions.

Except as set forth below, the definitions of Wis. Stat., sec. 101.123(1) are hereby adopted. In this section:

“City buildings” and “City property” mean all City owned or operated buildings and those portions of buildings leased or operated by the City, and municipal property such as motor vehicles.

“Electronic smoking device” means any product containing or delivering nicotine or any other similar substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. “Electronic smoking device” includes any component part of such product whether or not sold separately. The term shall include such devices whether they are manufactured as electronic cigarettes, electronic cigars, electronic pipes or any other product name. “Electronic smoking device” is not included in any product that has been approved by the United States Food and Drug Administration (FDA) for sale as a tobacco cessation product or is being marketed and sold solely for approved purposes.

“Smoking” includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form or the use of any oral smoking device.

8.13.040. Prohibition Against Smoking In City Buildings and City Property.

No person may smoke in City buildings or motor vehicles.

8.13.050. Sale of Electronic Smoking Devices to Persons Under the Age of 18.

No person shall sell or offer for sale or provide for nominal or no consideration any electronic smoking device to any person under 18 years of age.

8.13.060. Possession of Electronic Smoking Device by Persons Under the Age of 18.

No person under 18 years of age shall possess or use any electronic smoking device.

8.13.070. Declaration of Establishments, Restaurants and Tavern as Smoke Free.

A manager, operator, owner or other person in control of any establishment, restaurant or tavern may prohibit smoking within meaning of this chapter in said establishment, restaurant or tavern or in any portion, including outdoor areas under its control. Such declaration shall be noticed to patrons by conspicuous signage and shall be enforceable in the same manner as any other violation of this chapter.

8.13.080. Severability. Interpretation.

Each section, paragraph, sentence, clause, word, and provision of this ordinance is severable, and if any such section or provision shall be held unconstitutional or invalid for any reason, such decision(s) shall not affect the remainder of the chapter nor any part thereof other than that affected by such decision.

Interpretation. Whenever the provisions of the Wisconsin Statutes and this chapter conflict, the provisions of this chapter shall apply.

8.13.090. Penalty.

A. Any person who violates provisions of this section shall forfeit not less than \$100 or more than \$250 for each violation.

B. Any person in charge who violates Wis. Stat. sec. 101.123(2m) shall forfeit \$100 for each violation.

C. In addition to the forfeiture, any person who violates the provisions of this section shall pay the costs of prosecution except for the crime laboratories and drug enforcement surcharge under Wis. Stat. sec. 165.755(1)(a).

PART II. This Ordinance shall take effect on and after its date of publication.

RESULT:	RECOMMENDED FOR ADOPTION [6 TO 1]	Next: 2/17/2015 7:30 PM
TO:	Common Council	
MOVER:	Allison Byrne, Alderwoman	
SECONDER:	Kathleen Causier, Alderwoman	
AYES:	Causier, Pantuso, Berdan, Stippich, Walsh, Byrne	
NAYS:	Wilson	
EXCUSED:	Hanson	

3. Memo from the City Attorney regarding a proposed thirty (30)-year Boundary Agreement between the City and Wisconsin Lutheran College

The committee reviewed a memo from the City Attorney regarding whether the City of Wauwatosa should enter into a thirty (30)-year boundary agreement with Wisconsin Lutheran College in order to define the eastern growth boundaries of the College into the existing residential neighborhood.

Wisconsin Lutheran College has requested that nine existing residential parcels be rezoned for institutional use, that five of the parcels be combined, and that the City vacate Bel Air Circle in order to build a 300+ space parking ramp to serve the current and future parking needs of the College. These parcels are all currently under its ownership and contain single-family residences, which are primarily used for student housing and are exempt from the payment of real property taxes.

The City Attorney explained that there was a previous 10 year boundary agreement with the Wisconsin Lutheran College, entered in by the Common Council in 2002. At the time they were asking to vacate a portion of Maywood Avenue and Maywood Court, and combined some lots in order to build their Science Building. At the same time a water main easement was granted to the City as a new water main was being built going through the area.

The City Attorney felt there were no violations or bad faith on anything the college did with the prior agreement. He said the College abided by the boundary agreement, and they committed at that time not to expand east of the boundary lines, which essentially, is the backyard of the houses on Pleasant View Street.

Attorney Kesner explained that in this new agreement, in light of the new request by the College, they have committed to the same boundary line, to abide by that for 30-years, while maintaining the existing residential houses they currently own. He said the College will not go any farther into the residential neighborhood to the east.

In exchange for the College's commitment, the City agrees to fairly and appropriately consider the vacation of Bel Air Circle when the College puts in its formal application, in addition to the Certified Survey Map. He noted that the City is not committing to decide these in favor of the College, and noted that no consideration or decision on the zoning change is included as part of this, because the City is not allowed to zone by contract.

The City Attorney said that the City agrees to appropriately consider these two things. By vacating Bel Air Circle the City is giving up some rights through right-of-way, but would also be giving up some costs and expenses of maintenance and operation in that area. Attorney Kesner said that the City would retain some easements for water and utilities on Bel Air Circle to serve the properties that are there at this time.

Ald. Pantuso felt that the agreement is somewhat arbitrary, that there is nothing legally binding in the agreement that would prevent them from coming back in five years and asking for something else. The City Attorney said if they don't come to us and ask for a change the agreement remains in place. He noted that pretty much with any contract the City does, there is that option.

Joe Tierney, 7717 Gerlayne Drive, Counsel for the College, explained that it is their intent to honor this 30-year boundary agreement. There would be no obligation on the City's part to honor any requests for a change within the 30 years, if the College felt there was a need. He said that they have been asked by the neighbors to affirm the College's commitment that they will not expand further into residential neighborhoods, which is why they asked the City for this agreement, much like their prior commitment.

Residents speaking in opposition included:

- Ravia Misra, 513 Pleasant View
- John Movroydis, 12010 W. Locust Street
- John Randall, 317 N. 89th Street
- Dain Maddox, 105 N. 88th Street
- Judy Randall, 317 N. 89th Street

Their comments included:

- Exception taken to comments made that the College abided by their previous boundary agreement as they purchased additional homes in this area, at the minimum they violated the spirit and intent of the agreement by doing this
- Only one home will remain on Pleasant View not owned by the College
- Enforce the zoning code that is on the books
- This is a non-binding agreement
- Felt proper notice wasn't given for this meeting
- Unclear what the boundary lines mean
- The neighborhood needs to be normalized so people can enjoy their homes
- There is no firm commitment with this agreement that the College will not move farther east
- This agreement does not alleviate neighbor concerns or give them comfort
- Confusion and the unknown will still be a concern to the residents
- Residents maintain that parking is not an issue

- Just because the College owns the property doesn't give them the right to have it rezoned
- Loss of property taxes on all the parcels
- The City should take a hard look at zoning and planning before decisions are made
- What is the vision of the future for the City, residents, and the College
- What are the benefits to the City
- Why not place deed restrictions on the parcels
- Alternate places available to build the parking garage in the City of Milwaukee
- Acknowledged that the College is an asset to the community
- The College has a Milwaukee address and they should build the parking structure in Milwaukee
- Ravenswood is becoming a little island
- The College is in the wrong location although the staff and students are wonderful people
- This area was not a blighted location when the College moved in
- Loss of families and children playing in the neighborhood
- Must be sensitive to what the neighbors on the east side of Pleasant View have to look at
- Maybe the College should quit expanding their programs

Ald. Walz-Chojnacki felt that this agreement would stop the eastward expansion, noting that there are other zoning issues that need to be settled. He was satisfied that this will work.

The committee had a lengthy discussion which also covered the Zoning and the Certified Survey Map items that will be discussed at a later time.

Ald. Wilson felt that this discussion on the Boundary Agreement is inappropriate at this time prior to the public hearing which is scheduled for February 17th. He felt that the zoning pieces should be decided before this agreement is, and was not in favor of adopting the agreement at this time. Ald. Wilson said he was hard pressed to find a benefit to the City and that the agreement doesn't help the neighbors' concerns and that it is a vivid distraction.

Ald. Stippich agreed on the timeliness of this. He felt the Committee needs to be careful and not tie this with the zoning piece. He also agreed that the agreement doesn't give the City much benefit unless there are some unknown negotiations attached.

The City Attorney opined that the advantage to the City is that this agreement would give the City an opportunity to have something permanent on the record regarding these parcels other than Council minutes. This is another way to better record the intent of all parties and he felt that was a substantial benefit. He said it would be appropriate to discuss deed restrictions with this boundary agreement.

Ald. Byrne said the overarching theme she has heard from the neighbors is a call for dialogue, and this is the appropriate forum for this and suggested other public meetings be held. Ald. Byrne felt that there is a need for a parking structure on the College campus. She felt there was value in a Boundary Agreement.

Ald. Pantuso said there has to be a time and place when all of the parties can get together and talk this out. The neighbors have repeatedly come to the City saying that there are parking problems and then all of a sudden they are gone. A parking structure needs to be built on or near that campus. He agreed that no action should be taken at this time

Moved by Ald. Pantuso, seconded by Ald. Causier
to hold this item until the Change of Zoning discussion has been held.

Ald. Causier agreed with the comments made by the committee. She didn't like the 'not in my backyard logic' to push the parking garage into the City of Milwaukee because their residents wouldn't care. She felt the parking garage is necessary. Ald. Causier was comfortable waiting on the Boundary Agreement. There is a lot of mistrust by the neighbors toward the College and further dialogue needs to happen.

Ald. Wilson wasn't comfortable leaving further discussion on the agreement open ended and suggested a friendly amendment to hold this item for four weeks. The motioner and second agreed to the friendly amendment.

The committee reviewed the calendar and discussed potential dates. It was determined that the zoning item needed to be hashed out first.

Mr. Randall questioned why the zoning discussion couldn't be routed to Committee of the Whole following the public hearing, where the entire Council could hear the discussion, instead of at the Community Development Committee.

The City Attorney explained that the automatic action taken after a public hearing is routing the item to the Community Development Committee. Mr. Randall suggested that it could be done under suspension of rules.

Ald. Byrne asked for a friendly amendment to discuss the zoning item on February 24, and the CSM and the Boundary Agreement on March 10th. This was approved by the motioner and the second.

Moved by Ald. Pantuso, seconded by Ald. Causier
to hold the Boundary Agreement until after the Zoning discussion
is held on February 24th, and the CSM and the Boundary Agreement
to be scheduled together for March 10th - Ayes: 7

RESULT:	HELD
TO:	Community Development Committee

4. Memo from the Senior Management Analyst recommending the City request the state legislators to enact legislation easing restrictions on the granting of "Class B" liquor licenses

The committee reviewed a memo from the Senior Management Analyst regarding whether to contact state legislators to enact legislation easing restrictions on the granting of "Class B" liquor licenses.

Mr. Brown discussed the quotas set on "Class B" liquor licenses and the current formula being used. Mr. Brown explained that currently the City is allowed to grant 45 regular licenses and 28 reserve licenses. Mr. Brown noted that all of the regular licenses have been issued and 19 of the reserve licenses have been issued. It was suggested that out of the nine remaining licenses, five - seven of these will probably be applied for by the end of 2015, noting that we are getting close to the end of our allowed quota.

Mr. Brown said when the City issues the last reserve license this could impede the ability to attract establishments that as a means of normal business operations, serve liquor.

As a limited solution, in January 2014, State Sen., now U.S. Rep. Grothman, proposed SB 586, which exempts full-service restaurants from the quota. The bill would allow municipalities that have no liquor licenses available under its quota to issue a license to a full-service restaurant. A full-service restaurant is defined as having 50% or less of its gross receipts from the sale of alcohol beverages. This narrow approach does provide additional flexibility to continue to advance economic development opportunities that may require a liquor license. But, it would be preferable if this bill included the ability to move existing full-service restaurants with liquor licenses into this new exempt category. Then, there would be reserve licenses available for establishments that are over the 50% threshold.

Mr. Brown suggested that there are probably other municipalities facing the same quota dilemma.

Mr. Brown asked the Committee whether they would like to form a position statement about modifying the quota exemptions based on the fact that the City is closing in on their quota and it may adversely impact economic development opportunities in the City.

Attorney Kesner explained that this bill would change the quota system and take full service restaurants outside of that quota system. One important change from the last legislation session that was proposed, is that it would not allow existing full service restaurants to move out of the current quota, and help free up some of our existing licenses. He suggested that the position statement request that existing restaurants be included in the quota exemption.

Attorney Kesner said that during the last session, Representative Kooyenga, indicated that he is supportive of this. He said there are others that are supportive but it has not taken a top priority. There are a number of people that would support this quietly. He said that the State Tavern League does not like this legislation, they'd like to preserve the value of the existing licenses. Attorney Kesner said that there could be a little bit of a challenge to it, but feels it is an appropriate time for this body to let the legislature know that this is something that you want while early in the session.

The proposed SB 586 was moving positively along in the 2014 session but didn't get enough traction until the end of the session so it just didn't get done.

The City Attorney said he understands that the Hotel/Motel and the Restaurant lobby are in favor of this type of change. However, the Tavern League is one of the most powerful lobbyist and organization in the State of Wisconsin, noting it will be a political discussion. The League of Municipalities has indicated that there is good support among the other municipalities, especially the larger bodies as part of the Urban Alliance. He said getting our voice known is one way to start the process in the right direction.

The City Attorney said that the position statement could be prepared and approved through a resolution. The letter of communication could be prepared and sent out quickly.

Ald. Stippich said that Wauwatosa is somewhat unique not just because of our size but because of the tremendous influx of people coming here during the day and is being looked at as an entertainment destination. He said there has been concerns expressed recently over the number of licenses remaining and the potential ramifications.

Moved by Ald. Stippich, seconded by Ald. Wilson
to recommend approval for staff to prepare a position statement
requesting that our state legislators enact legislation which would
ease restrictions on the granting of "Class B" liquor licenses to the
City of Wauwatosa - Ayes: 7

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Matthew Stippich, Alderman
SECONDER:	Craig Wilson, Alderman
AYES:	Causier, Wilson, Pantuso, Berdan, Stippich, Walsh, Byrne
EXCUSED:	Hanson

5. Discussion of criteria for issuance of economic development grant under Chapter 6.08.745 of the Wauwatosa Municipal Code and draft Economic Development Grant application

The committee reviewed a memo from the City Clerk for discussion of criteria to use when determining whether to provide a grant to a Reserve "Class B" Liquor License applicant in an amount not to exceed \$500 less than the amount actually paid by the licensee to the City.

1997 Wisconsin Act 27 required municipalities to establish a minimum fee of \$10,000 for each Reserve "Class B" Liquor License issued. The fee far exceeds the actual cost of licensing the activity, and the City has returned

grant monies to applicants, upon application, since this law was enacted. This policy has come under some question in recent years.

Establishing criteria on which to base the return of economic development grant application monies has been discussed in the past, most recently by the Budget and Finance Committee during the summer of 2014.

The Development Director explained that no criteria ever came from the committee meetings. She said that the City Clerk prepared the memo and a draft application based on information and discussion from the previous committee meetings. Ms. Enders has provided the committee with memos where specific criteria was mentioned that could be used as part of the application. Some of the questions on the form reflect the possible standards discussed by the Budget and Finance Committee last summer.

It was noted that the sum of \$9,500 was allocated to the Reserve Liquor License revenue account for 2015. No funds have yet been collected. The City currently has nine Reserve "Class B" Liquor Licenses available for issuance; each has the \$10,000 fee attached to it.

Ald. Stippich felt the draft application captures the information from the prior minutes and discussion as to what it the committee should be assessing. He questioned whether there was anything else, aside from the application that the Development Director would require from a guidance standpoint. Ms. Enders questioned whether there is enough on the application to be able to make a decision at the committee level. Ald. Stippich felt that it does provide the framework to have a discussion with an applicant.

Ald. Wilson agreed that the draft application is better. He said it is only fair to let people know of the expectation in advance and questioned the previous process.

The City Attorney explained previously in addition to the liquor license paperwork, the applicant also filled out an Economic Development Grant application for Reserve "Class B" licenses.

Ald. Wilson questioned whether the specific items noted on the application under business-related circumstances was the information the committee was trying to capture. He didn't feel that the emphasis should be on mortgage or interest rate of the applicant. He felt that all of the questions on the draft application were appropriate although questioning what the business-related circumstances would be telling the committee. He felt there should be more emphasis on employment opportunities and the promotion of tourism.

Ms. Enders replied to Ald. Wilson in that recommendations made to the committee included providing a \$9,500 grant for full-service restaurants, or to modify the existing program to rebate an amount less than the current grant amount of \$9,500 and consider all or some of the following criteria: job creation, property tax base increase, benefits to tourism, enhancements to the economic and cultural climate, etc. She felt that question #9 could be expanded on by the applicant, explaining how the business is beneficial to the City and why the City should give you back an undetermined amount of dollars.

Ald. Wilson felt it might be fair to give less of a grant to businesses selling liquor as opposed to a restaurant with minimal liquor offerings since more money is made off of the sale of alcohol.

Ald. Byrne felt there are pieces in the application that are too subjective and was uncomfortable applying policy to it. She questioned whether past applicant information should be made available to the committee when new applications are received to make a fair assessment.

Ald. Causier agreed with comments made by Ald. Byrne on how to apply this.

The City Attorney pointed out that the Council acted on this item last year to give this a pretty broad brush. The language added to the ordinance was for Council to use its discretion when making these decisions. This is why the City Clerk drafted the application very broadly based on the ordinance wording.

Ald. Pantuso said he likes the form but said it will all come down to who is sitting in front of the committee with their application and how well they answer the questions. He questioned the legality of using discretion and if it would cause problems with applicants down the road based upon the amount of grant money funded them.

The City Attorney said in this case the language was designed using discretion based upon making findings and establishing conditions to ensure if provided for economic development and accessibility. It was written to give you an opportunity to make a legislative finding and when making an award on why you did it, the committee is given pretty broad discretion.

Ms. Enders agreed that a high interest rate or mortgage may not be applicable although it was mentioned in previous minutes. She reiterated that it could be based more on job creation and impact on tourism for economic development.

Ald. Stippich wondered if other communities applied a subject approach to their grant program. Attorney Kesner noted that this is not a widespread practice to provide \$9,500 grants and very few communities do this. He said it was a political reaction to the Tavern League back in the 1990's.

Ald. Stippich asked if the \$9,500 grant provided a competitive advantage attracting businesses to the City. The City Attorney felt that there have been a number of small businesses that opened up and gotten liquor licenses in the past several years that would not have been able to without the economic development grant.

Ms. Enders noted that a lot of the businesses that have received the grants were small businesses.

Ms. Enders said potentially it could put the City at a competitive disadvantage if the City started holding a lot of the money back, but if the Council wants to do this she felt it was good to provide some criteria that wouldn't hurt the city.

Ald. Byrne felt we might be underselling an asset with this grant.

Ald. Pantuso asked if Staff would make a recommendation on future applications, and Ms. Enders said if asked they would do so.

The committee reviewed the draft application and suggested additional introductory language explaining the need and removal of the (i.e.) in question number 7.

6. Memo from the Director of Public Works regarding a loading zone application by Sts. Constantine & Helen Church, 2160 Wauwatosa Avenue and parking restriction adjustments on Garfield and Oakhill Avenues

The committee reviewed a memo from the Public Works Director regarding an application by Sts. Constantine & Helen Church, 2160 Wauwatosa Avenue, for a loading zone and for parking restriction adjustments on Garfield and Oakhill Avenues.

Mr. Porter explained that he has received two separate requests by representatives from the church regarding two separate issues affecting parking restrictions on adjacent streets. Mr. Porter advised that the neighbors were notified of the request by the church.

Regarding the loading zone, the request is for a 30 ft. wide loading zone on the north side of Oakhill Avenue. The loading zone would straddle the sidewalk that comes out the side door of the church and allow for drop-off and pick-up of children from the day care facility. Right now street parking is prohibited and cars must enter the lot which becomes overcrowded at peak drop-off and pick-up times. The loading zone would be limited to weekdays only from 6:00AM to 8:00PM.

Mr. Porter said Staff recommends a 90-day trial of a 30 foot loading zone beginning 55 feet east of Wauwatosa

Avenue.

The other request from the Church is related to parking on adjacent streets during Sunday services. Apparently the parking lot is insufficient to accommodate the overflow parking and there are parking restrictions on the adjacent side streets that also limit Sunday parking.

The adjacent side street south of the Church is Oakhill Avenue. Currently the entire block of Oakhill Avenue has a no parking any time restriction on the north side of the street. Parking is allowed on the south side of the street. Staff's opinion is that allowing parking on both sides of Oakhill Avenue would be problematic with traffic exiting onto Wauwatosa Avenue.

Mr. Porter said that staff recommends no change in the parking restrictions on the north side of Oakhill Avenue on Sundays.

The adjacent street on the north side of the Church is Garfield Avenue. Currently there are No Parking Any Time restrictions in place on the north side of Garfield, and a No Parking Any Time restriction in place along the frontage of the Church.

Mr. Porter said that the staff recommendation is to enact a 90-day trial to allow parking on Sunday only from 8:00AM until 1:00PM only on Garfield Avenue from Wauwatosa Avenue to the driveway of 2160 Wauwatosa Avenue which is the frontage of the church. He said that the other parking prohibitions on Garfield Avenue will not be affected by this 90-day trial.

Mr. Porter explained that the current City Code does not allow parking within 15 feet of a crosswalk. He explained that where the Garfield and Wauwatosa Avenues sidewalks intersect, there cannot be parking within 15 feet of that. If the City was not comfortable with the 15 foot restriction they could ask for additional restrictions.

The Church representative said if the City went more than the 15 feet it would restrict the number of cars that could park there.

Residents speaking in opposition included:

- Jeff Cockerham, 7439 W. Garfield Avenue
- Susan Ahlf, 7505 W. Garfield Avenue
- Tom Ertel, 7440 Oakhill Avenue
- Ann Raisler, 7502 Oakhill Avenue
- Andrea Cockerham, 7439 W. Garfield Avenue
- John Raisler, 7502 Oakhill Avenue

Their comments included:

- No regard for existing parking restrictions
- Chronic parking violations would prohibit an emergency vehicle from traversing the street
- Why reward bad behavior by providing additional parking spaces
- Church members feel they have a sense of entitlement by the way they park anywhere, blocking driveways and parking too close to the intersection
- At what risk is the benefit
- Why aren't the parking laws on the books being enforced
- There is off-street parking one block away at the bank
- East/west traffic has to maneuver and wait for traffic to clear to drive down the road as it is
- Congestion is a safety issue
- A loading zone near the corner of Oakhill and Wauwatosa would be dangerous
- The church has a parking lot they can use to drop children off

- Bus stop at Oakhill and Wauwatosa Avenue already contributes to the congestion
- Pictures were shown where five or six cars park on the south side of Garfield Avenue continuously in a no parking zone, there is no regard for the law
- Suggestion made to do a bump out at the proposed location for a loading zone
- Parking problems are not just on Sundays, there is the Friday Fish Fry, other miscellaneous church events, and the church festival
- The Church has already had a 32 year trial and they don't abide by the law
- With snowfall the streets get narrower and narrower
- Concerns that it wouldn't be a quick drop off point, that parents would linger in the school for teacher visits
- There is an underutilized back entrance off of the parking lot

Residents speaking in favor included:

- Jennifer Pandelis, 7518 S. 82nd Street, Franklin
- Vicky Anagnostopoulos, 1507 N. 68th Street

Their comments included:

- Parents struggle hauling car seats into the church and the loading zone right near the entrance would help this
- The Church wants to be a good neighbor and hopeful that some agreement could be made
- People coming to church late are probably the offenders that need to find a parking spot quickly
- The Church is a good neighbor, they allow neighborhood kids to play in the parking lot and neighbors park their cars in the lot overnight
- Difficult for elderly people to park west of Wauwatosa Avenue to get to church safely
- Three additional parking spaces would be very beneficial

The Church representative reiterated that the loading dock would be very beneficial to parents dropping off their children.

Ald. Stippich noted that the church is right across from his home but was appreciative of the church as a neighbor. He was very aware of the parking problems and continued parking in the no parking zone. He said that it is frustrating that this situation goes without enforcement. Ald. Stippich noted that traffic backups cause significant problems on Wauwatosa Avenue.

Moved by Ald. Stippich, seconded by Ald. Wilson
to deny a 90-day trial request by Sts. Constantine & Helen Church,
for a 30 foot wide loading zone on the north side of Oakhill Avenue - Ayes: 7

Moved by Ald. Stippich, seconded by Ald. Wilson
to deny a 90-day trial request by Sts. Constantine & Helen Church,
to allow parking on the south side of Garfield Avenue along the Church
frontage on Sundays only from 8:00 a.m. - 1:00 p.m. - Ayes: 7

Ald. Stippich made a commitment to have a neighborhood meeting with the neighbors and the Church to try and find a solution to both of these issues.

Future Community Development Committee items

- Policy concerning issuance of remaining "Class B" Reserve liquor licenses
- Ordinance amendment concerning aldermanic representation on the CDA & Plan Commission
- Aldermanic selection process when vacancy occurs
- Policy for parking permits in neighborhoods
- Bee-keeping (3/10/15)

- Citizen notification process discussion
- 69th Street conceptual design
- 90-day trials
- School District sign request (3/10/15)
- Building Code revisions (3/10/15)

Carla A. Ledesma, CMC, City Clerk