



**CITY OF WAUWATOSA**  
**COMMUNITY DEVELOPMENT COMMITTEE**  
**AGENDA • MARCH 10, 2015**

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**Regular Meeting**
**Committee Room #1**
**7:00 PM**

7725 West North Avenue, Wauwatosa, WI 53213

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PLEASE NOTE: The items on this agenda may be revised before the time of the Common Council meeting, some items may be removed and others added prior to the completion of the final Common Council agenda. The final agenda will be available in the City Clerk's office and on the city website at [www.wauwatosa.net](http://www.wauwatosa.net). It is anticipated that each item listed on the agenda may be discussed, referred or acted upon unless it is noted in the specific agenda item that no action is contemplated.

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**COMMUNITY DEVELOPMENT COMMITTEE ITEMS**

1. Proposed ordinance amending Title 2 by creating the Communications and Marketing Committee
2. Memo from the Assistant City Attorney attaching a draft Ordinance for honeybee keeping
3. Request by Drew Cyr, General Manager, Cafe Bavaria, 7700 Harwood Avenue for an amendment to their existing encroachment agreement to include a small wood burning stove

**Future Community Development Committee items**

- Policy concerning issuance of remaining "Class B" Reserve liquor licenses - GA
- Ordinance amendment concerning aldermanic representation on the CDA & Plan Commission - GA 03/31/15
- Aldermanic selection process when vacancy occurs - GA
- Citizen notification process discussion
- 69<sup>th</sup> Street conceptual design
- Resolution to the State Legislature regarding the Mayfair Corridor - GA
- Building Code revisions - CA 03/31/2015

Any person who has a qualifying disability as defined by the Americans with Disabilities Act who requires the meeting or materials at the meeting to be in an accessible location or format, must contact the City Clerk at voice telephone 479-8917 or TTY 471-8484 (City Hall, 7725 W. North Avenue, Wauwatosa, Wisconsin 53213) for accommodations. Requests for accommodations for meetings should be made at least three (3) business days prior to the meeting. Every effort will be made to arrange accommodations for all meetings; so please give the City Clerk as much advance notice as possible.

CITY OF WAUWATOSA  
MEMO



To: **Community Development Committee**

From: **Ad Hoc Marketing**

Date: **March 06, 2015**

Subject: **Proposed ordinance amending Title 2 by creating the Communications and Marketing Committee**

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### **A. Issue**

On July 29, 2014, the Community Development Committee (CDC) voted 7-1 to recommend the introduction of an ordinance to accept recommendation #1 of the Ad Hoc Committee on Marketing and Communications to create a permanent committee. With the assistance of Attorney Kesner, the Ad Hoc Committee has drafted the attached Ordinance, recommending creation of the Wauwatosa Marketing and Communications Advisory Committee.

### **B. Background/Discussion**

#### **Background**

The twelve-member Ad Hoc Committee on Marketing and Communications was launched in July, 2013 and spent the next twelve months conducting an in-depth analysis of the city's image and its marketing, promotional and communications materials and efforts. The Committee also reviewed the city's Strategic Plan and researched best practices from local municipalities. Several updates were provided to the Common Council Committee on Legislation, Licensing and Communications and the Committee of the Whole.

The Ad Hoc Committee presented its findings and recommendations to the CDC on July 29, 2014. The three recommendations included:

A permanent marketing and communications committee should be created.  
 An RFP for professional branding services should be issued.  
 Consolidation of communications and marketing projects and resources into Administration.

Recommendation #1 was approved, with the financial aspects of Recommendations #2 and #3 referred to the Budget and Finance Committee.

After time to reflect and analyze the recommendations, the Ad Hoc Committee focused its efforts in late 2014 on establishing the mission of a permanent committee to be incorporated into a draft ordinance, as recommended by the CDC. The Committee decided to hold off on any further efforts to recommendations #2 and #3 until a permanent committee was approved, appointed, and established.

#### **Permanent Committee**

The draft ordinance proposes that the permanent committee be named the Marketing and Communications Advisory Committee (MCAC). This name emphasizes the advise portion of the mission. The committee would not be establishing policy, but rather would "...advise on projects as

needed. The committee shall advise the mayor, common council, city departments and others....”

The MCAC would also focus its attention on the elements of the city’s Strategic Plan that deal with marketing and communications, such as:

Communicating to key audiences about essential services.  
 Preparing a communications plan and strategy.  
 Strengthening our image and reputation.

Key functions that define how MCAC would operate include identification, evaluation, and recommendation of the city’s communications plans, marketing, image and reputation. Monitoring and measurement of these areas would be a key part of MCAC’s recommendations, along with a minimum of annual updates to the Common Council.

**Next Steps:**

Upon approval of this ordinance, the following next steps are proposed:

- The Mayor appoints, and the Council approves, the 9 members of the permanent committee.
- MCAC focuses its initial efforts in the area of communications, specifically:
  - o Identify opportunities to understand stakeholder communication needs, assess and make recommendations to the mayor and Council to improve current communications and citizen engagement as identified in the City’s strategic plan.
  - o Evaluate and advise on the development of a comprehensive, integrated communications plan that addresses internal and external communications needs and best practices.
  - o Initially, target two communications tools, city website and newsletter, for assessment and make recommendations on improving their effectiveness.

**C. Fiscal Impact**

The formation of a permanent committee has no fiscal impact.

**D. Recommendation**

We recommend you adopt the ordinance to establish the permanent Marketing and Communications Advisory Committee for the betterment of the city’s communications and marketing efforts.

Part I: Chapter 2.31 of the Wauwatosa Municipal Code is hereby created to read in its entirety as follows:

## Chapter 2.31 – MARKETING AND COMMUNICATIONS ADVISORY COMMITTEE

### 2.31.010 – Committee Created.

A. There is hereby created a permanent voluntary Wauwatosa Marketing and Communications Advisory Committee, which shall consist of a membership as follows:

1. Eight citizen members, who shall be residents of Wauwatosa, to be selected by the mayor and subject to confirmation by majority of the Common Council, being selected so as to provide a broad range of expertise on marketing and communication matters.
2. One member who shall be a member of the Common Council, appointed biennially by the mayor, to be a liaison and voting member of the committee.
3. A city staff member shall be appointed by the City Administrator to serve as an *ex officio* (non-voting) member of the committee.

B. Appointments to the committee shall be for staggered three-year terms. Two of the initial appointments shall be for one year, three for two years, and three for three years. No member shall serve more than two consecutive terms.

C. The members shall elect a chair, vice chair and secretary for one-year terms at the beginning of each calendar year, after the start of new membership terms. The chair, vice chair and secretary may serve a maximum of two consecutive, one -year terms in any single office.

### 2.31.020 – Mission.

The committee’s mission shall be to serve as a resource to support the City’s strategic plan and advise on marketing and communications projects as needed. The committee shall advise the mayor, common council, city departments and others on fostering and facilitating a positive image and experiences for the City. The committee shall also advise on development and implementation of excellent communications tools and practices.

### 2.31.030 – Duties.

The committee’s duties shall include, but need not be limited to, the following:

- A. Identify opportunities to understand stakeholder communication needs, assess and make recommendations to the mayor and common council to improve current communications and citizen engagement as identified in the City’s strategic plan.

- B. Evaluate and advise on the development and implementation of a comprehensive, integrated communications plan and marketing plan that addresses internal and external communication needs and best practices.
- C. Monitor and make recommendations to the mayor and common council to strengthen and promote the city's image and reputation as a Community of Choice as identified in the City's strategic plan.
- D. Advise on resources for inclusion in the operating budget in support of effective marketing and communications strategies and tactics.
- E. Recommend ways to measure the effectiveness of the marketing and communications efforts.
- F. Report to a standing committee of the common council each year regarding its activities, and to make recommendations to the common council at other times, as necessary, in areas affecting marketing and communications efforts, either upon its own initiative or upon referrals of matters to it from the common council.
- G. The committee shall continue the work of the Ad Hoc Marketing and Communications Committee created in July, 2013, which committee is hereby disbanded.

Part II: This ordinance shall take effect on and after its date of publication.

CITY OF WAUWATOSA  
MEMO

To: **Community Development Committee**

From: **Alan Kesner**

Date: **March 06, 2015**

Subject: **Memo from the Assistant City Attorney attaching a draft Ordinance for honeybee keeping**

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This committee requested the city attorney staff draft a honey beekeeping ordinance for consideration. The ordinance was discussed at a September 2014 committee meeting and committee held it until spring. It is currently before the committee for continued discussion. The ordinance that was discussed in the course of that meeting has been revised as described below and accompanies this memo.

**Issue.** Should the city allow honey beekeeping as proposed in the attached ordinance?

**Background.** The attached ordinance contains a revision to section D under enforcement but other provisions remain intact as presented to this committee in September 2014. The State Apiarist contacted the city recently to address the initial draft's provision having the state apiarist perform hive and apiary inspections at the request of the department director to determine code compliance or upon complaint or concern of the hive's health. The state apiarist requested that that provision be struck as the state does not have the staff available to perform the inspections anticipated in the ordinance. The change was made and a provision was subsequently included that the inspections would be performed by independent and qualified beekeepers or inspectors approved by the department director.

**Enforcement and Appeal.** The development director or her designee will issue permits and enforce the ordinance. Violations can originate from the beekeeping ordinance, the property maintenance code, the health hazard and nuisances under title 8 and the general provisions in title I. Because the city does not staff an entomologist or trained beekeeper, the development department will need to designate a staff member to take beekeeping training in order to perform some basic inspection duties and acquire some basic knowledge of beekeeping. Additionally, the development department will need to locate qualified independent beekeepers who can perform inspection services as may be needed under the code because the state apiarist will not assume that duty. Other communities are confronted with this challenge as well. Training of a staff person and retaining an independent inspector for seasonal and other inspections will add more expenses to the enforcement of the ordinance that may not be recovered through permit fees. The exact cost is unknown. At present, there are no professional and independent inspectors, companies or associations that employ qualified individuals who can perform these services in the Milwaukee County area. As such, enforcement of the ordinance and criteria used in enforcement may need to be revisited.

**Fiscal impact.** It is unknown what the fiscal impact implementation of the ordinance will yield. The fee of \$10.00 or some other modest amount will not cultivate substantial revenue. The city will be expected to expend resources in the development department for performance of tasks such as application review, permit issuance, apiary inspections, beekeeping education, training and enforcement. The amount of time will depend upon the number of households who apply for and obtain beekeeping permits. The amount of

the fee may be adjusted if the final ordinance requires more involvement from the city.

**Other Issues.** Since the last meeting on this ordinance, there have only been a few phone calls to the clerk's office and health department inquiring into the status of the ordinance.

**Recommendation.** The city attorney's office recommends approval of the ordinance because it contains regulations to protect the safety and health of residents and allows beekeeping as a hobby. Residents and beekeepers can peacefully coexist if the regulations are followed.

History:

09/09/14      Community Development Committee      HELD

**AN ORDINANCE AMENDING SECTION 9.08.020 AND CREATING SECTIONS 9.04.070 AND 9.04.080 OF THE MUNICIPAL CODE OF THE CITY OF WAUWATOSA TO PERMIT HONEY BEEKEEPING IN THE CITY OF WAUWATOSA.**

**The Common Council of the City of Wauwatosa do hereby ordain as follows:**

Part I. Subsection 9.08.020 A. of the Wauwatosa Municipal Code is hereby amended to read in its entirety as follows:

A. Except as provided in sub. B below and in secs. 9.04.070 and 9.04.080 of this code, it is unlawful for any person, firm or corporation to keep, harbor or maintain a hive or colony of honey bees in the City of Wauwatosa.

Part II. Sections 9.04.070 of the Wauwatosa Municipal Code is hereby created to read as follows:

**9.04.070 Beekeeping Permitted.**

Definitions.

The following definitions will be used in the interpretation and application of this section.

“Apiary”. Colonies, hives, and other equipment associated with Honey Bees assembled in one location for beekeeping operations; also known as a bee yard.

“Beekeeper”. A person who owns or has responsibility for one or more colonies of Honey Bees and has demonstrated to the Development Director or his or her designee that he or she has obtained formal education or training or sufficient practical experience to act as a beekeeper.

“Beekeeping Equipment”. Anything used in the operation of a Honey Bee apiary, such as hive bodies, honey supers, frames, top covers, and/or bottom boards.

“Colony”. An aggregate of Honey Bees in a hive consisting of workers, but having one queen and potentially many drones, including brood, combs, honey and the receptacle inhabited by the bees.

“Flyway Barrier”. A natural or manmade obstacle designed to cause bees to fly upward after exiting the hive and directing them away from neighboring and adjoining areas inhabited by humans. Barriers may be fences, or evergreen shrubs and are six feet in height.

“Hive”. The structure containing a colony of bees.

“Honey bee”. All stages of the common domestic Honey Bee, *Apis mellifera* species. Keeping of *Apis mellifera scutellata* is not permitted under any conditions.

“Swarm”. For purposes of this ordinance, a swarm is a propagation or colony of Honey Bees outside of its hive.

Part III. Section 9.04.080 of the Wauwatosa Municipal Code is hereby created to read as follows:

**9.04.080 Beekeeping Practices. Location of Hives. Beekeeping Permit. Enforcement. Penalty.**

A. Honey Beekeeping shall be allowed within the City of Wauwatosa as follows:

1. No person shall acquire, keep or stock bees in the city unless they are Honey Bees and without first obtaining a valid beekeeping permit or as otherwise provided under section 9.08.020.
2. No more than two Hives are allowed on a residential lot. The hives forming the apiary structure must be located near each other to form a single apiary.
3. All Honey Bees shall be kept in Hives with removable frames which shall be kept in sound and usable condition.
4. A closed fence, closed evergreen hedge, building or other solid Flyway Barrier or other barrier which the Development Director or his or her designee determines to be of sufficient height and effectiveness shall be located between the Hive(s) and the property lines for all Hives located within 20 feet of the property line. A Flyway Barrier is not needed if the Bee Hive is kept at least ten feet off the ground.
5. All Hives and related structures that form the Apiary may not be located in front or side yards and must be no less than 20 feet from the backyard property line. Location sites may be closer than stated limits with a signed written consent of the neighbor whose neighboring property is at issue.
6. Hives shall be located a minimum of fifty feet from an adjoining lot's recreational areas such as patios, porches, decks, gazebos, swimming pools, and permanently affixed play equipment unless the owner of the adjoining lot at issue has provided written consent for closer Hive placement.
7. A Beekeeper must continually provide water to bees from a source immediately within the Apiary to prevent bees from seeking water sources at nearby property.
8. Applicants shall utilize beekeeping associations, classes and training or a combination thereof to obtain and maintain competency in beekeeping.
9. In the event bees in a Hive repeatedly exhibit aggressive behavior, it shall be the duty of the Beekeeper to remove, destroy or re-queen the Hive.
10. All Apiary structures and Flyways must be constructed, located and maintained consistent with and in conformity to the property maintenance, landscaping and screening provisions of the city code.

B. Beekeeping Permit.

1. A beekeeping permit and fee shall be required for each household and is not transferable. A permit provides permission for honey beekeeping at the address listed in the permit application and by the permit holder only and shall not be transferable to another location or person. Upon vacating the property, the beekeeper must remove all apiary structures and bees from the property.
2. No permit fee may be refunded in whole or in part.
3. A permit shall be renewed and fee shall be paid within twelve months of the issuance of the initial permit. There shall be a penalty added for late payment of the permit fee as provided in the Consolidated Fee Schedule.
4. A permit is subject to revocation upon failure to comply with any provision under the code as determined in writing by the Development Director. Once a permit is revoked, a permit shall not be reissued for two years.
5. Neighborhood Approval and Site Plan Required. Before a permit is issued, the applicant, if not the property owner, shall obtain the written consent of the owner of the property where the apiary shall be kept and the owners of all adjoining or diagonally abutting properties, including those across an alley. Written consent shall be provided at the time of the application. The applicant must submit a scaled dimensional drawing, showing all adjoining structures and property lines, to the satisfaction of the Development Director or his or her designee.

#### C. Prohibited Conduct.

1. Any bee Colony not residing in a Hive structure intended for beekeeping or any swarm of bees should be reported to the Development Director. No Beekeeper shall keep bees or Hives that cause any nuisance, unhealthy conditions, create a public threat or interfere with the normal use and enjoyment of any public property or property of others.
2. Hives shall be actively maintained and Hives not under active human management and maintenance may be dismantled or removed. The Beekeeper shall have five days following written notice from the Development Director to bring the Hive into compliance. Any bee Colony residing in a Hive which by virtue of its condition has obviously been abandoned or improperly maintained by the Beekeeper is prohibited.

#### D. Penalties. Inspections. Enforcement. Appeal.

1. Penalties. Any person violating any provision of this chapter shall be subject to the general penalty provisions of this code, the penalties provided under this section and chapter 15 and citations issued pursuant to Wauwatosa Municipal Code section 1.24.010 and Wisconsin Statute section 800.02.
2. Inspections. In order to ensure that Beehives are in compliance with this section and that there are no hazards or other issues present, a seasonal inspection of the Beekeeper's premises and Beekeeping Equipment shall be required. Apiary inspection services shall be performed

by inspectors approved to provide inspection services by the Development Director. Reports of all inspections, determinations and removals conducted by the inspector shall be submitted to the Development Director or his or her designee. The Development Director or his or her designee or other recognized inspector shall have the right to inspect any Apiary and Hive during regular business hours. Where practicable, prior notice shall be given to the Beekeeper or property owner. If at any point the Development Director or his or her designee deems it is appropriate to inspect a Hive or Apiary, the Hive and Apiary may be inspected at the Beekeeper's expense.

3. Removal of Hive. Any Hive may be impounded or removed from the city for violations of this section. The Beekeeper shall be responsible for costs of the impoundment or removal.

4. The Development Department shall issue permits and enforce the provisions of this code.

5. Appeal. Any person aggrieved by a determination or order of the Development Director or his or her designee may appeal in writing to the Board of Building and Fire Code Appeals within thirty days of issuance of the determination or order and may request a hearing before the Board of Building and Fire Code Appeals. The Board of Building and Fire Code Appeals shall conduct a hearing as soon as reasonably possible and no later than thirty days after receiving a request for a hearing. An appeal will not stay a determination, order or permit revocation.

#### Part III. Noncodified provisions.

The permit fee shall be \$10.00 per household as set forth in the Consolidated Fee Schedule.

The committee shall review the ordinance within nine months of its publication.

Part IV. This ordinance shall take effect on and after its date of publication.

## Carla Ledesma

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**From:** gr8belayr@gmail.com on behalf of Brett Perry <brettj@wi.rr.com>  
**Sent:** Tuesday, February 17, 2015 2:19 PM  
**To:** Carla Ledesma; James Moldenhauer; Matthew J. Stippich; Kathleen Causier; John Dubinski; Tim Hanson; Gregory Walz-Chojnacki; Dennis McBride; Michael Walsh; Bobby Pantuso; Joel Tilleson; Jeffrey Roznowski; Allison Byrne; Jason Kofroth; Jason Wilke; Craig Wilson  
**Cc:** Cheryl Berdan  
**Subject:** In support of the proposed Wauwatosa Beekeeping Ordinance

I am writing to express my support for the proposed beekeeping ordinance in Wauwatosa.

Beekeeping ordinances have been passed in many communities (including Milwaukee and Chicago), [Eau Claire has recently enacted their own beekeeping ordinance](#), and our neighbor, Butler, is in the process of drafting one.

Urban beekeeping has many benefits, both locally and in concert with larger sustainability initiatives.

- \* Raw honey contains many beneficial minerals and vitamins. Honey also has antibacterial properties and anti-oxidant benefits. Many claim allergy relief by using local honey that contains pollen.
- \* We only produce about 30% of the honey we consume in the U.S.
- \* Directly, honey bees pollinate the flowers of 1/3 of all fruits and vegetables.
- \* Indirectly, honey bees pollinate 70% of the food crops, through seed production, etc.
- \* There are 1/2 the number of beekeepers and 1/3<sup>rd</sup> as many beehives than there were 25 years ago.
- \* For every 100 beekeepers, 95% are hobbyists, 4% side-liners, and 1% are full-time or commercial beekeepers.
- \* Local beekeepers produce the best "green" sweetener you can buy....local honey.

I myself only started beekeeping 3 years ago. But after harvesting 70 pounds of honey this past October...I am hooked for life! My hives are located more than a 30 minute drive from my house in Wauwatosa. Having the ability to keep hives in my backyard would give me better access to monitor and care for the bees. Allowing beekeeping also opens up the educational opportunities for students to visit or care for hives in conjunction with school or community beautification projects.

Urban beekeeping aligns well with Wauwatosa's vision of being a vibrant, sustainable community, unique in its preservation of natural and open spaces.

Attachment: Perry email supporting bee-keeping (2442 : Bees)

Allowing urban beekeeping would be yet another example of our commitment that vision.

Thank you for your service to our community, and I hope for your support of urban beekeeping.

Sincerely,

Brett Perry

4108 N 94th St.

*"Technology is amazing...when it works."*

**Deor Hitt**

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**From:** Drew Cyr <dcyr@lowlandsgroup.com>  
**Sent:** Thursday, February 12, 2015 6:31 AM  
**To:** Deor Hitt  
**Subject:** Cafe Bavaria Encroachment Agreement Amendment Request

To whom it may concern,

My Name is Drew Cyr, I am the General Manager at Cafe Bavaria. I am writing this letter to request the that the common council conciders amending our current patio encroachment agreement. We would like to include an amendment to allow us the ability to burn a small wood burning fire on our patio during the winter months.

We have spoken with the fire department and the Assistant Chief and with the exception of permission to burn on public property we are within the guidelines they typically set for wood burning on private property. Those guidelines include burning away from low lying vegetation, burning a minimum of 25 feet from a building or structure, as well as having an individual monitor the fire while burning.

At its current placement the fire-pit does fall within the guidelines outlined in the encroachment agreement and maintains the required amount of public walkway around it and the patio as a whole.

We hope to be able to continue burning the fire pit on Friday and Saturday afternoons and evenings moving forward. It has been a welcomed addition to the village thus far and has received rave reviews from both Wauwatosa citizens and patrons of our establishment.

Thank You for your time and consideration.

Sincerely,

Drew Cyr

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Drew Cyr  
General Manager

Cafe Bavaria  
7700 Harwood Ave  
Wauwatosa, WI 53213

C: (608) 333-4457  
W: (414) 271-7700



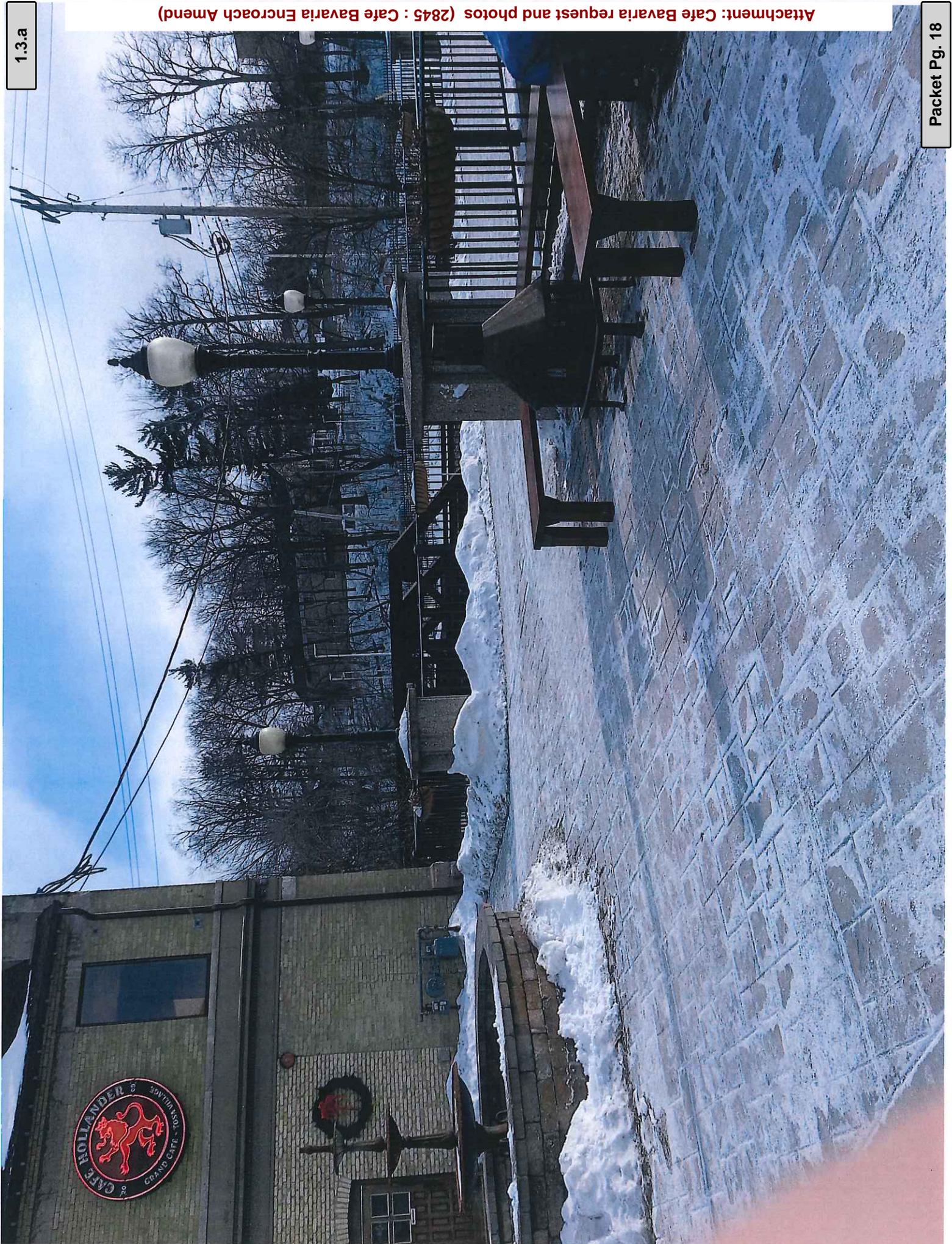




1.3.a

Attachment: Cafe Bavaria request and photos (2845 : Cafe Bavaria Encroachment Amend)

Packet Pg. 17



Attachment: Cafe Bavaria request and photos (2845 : Cafe Bavaria Encroach Amend)



**CITY OF WAUWATOSA  
FIRE DEPARTMENT**  
1601 UNDERWOOD AVENUE  
WAUWATOSA, WI 53213  
Telephone: (414) 471-8490  
Fax: (414) 471-8473



TO: CITY ADMINISTRATOR  
MAYOR  
BUDGET & FINANCE COMMITTEE

FROM: JAMES CASE,  
ASSISTANT FIRE CHIEF

RE: Café Bavaria Outdoor Burning

DATE: March 2, 2015

**Issue:** Café Bavaria, 7700 Harwood Ave, Outdoor Burning

**Background:** In early February of 2015, it was brought to the attention of the Wauwatosa Fire Department that outdoor burning was taking place near Café Bavaria, 7700 Harwood Av. After discussion with the city engineering department, it was determined that this area is considered public property and therefore no outdoor burning would be allowed. The general manager, Drew Cyr, was contacted and made aware of this restriction.

On March 2, 2015, Mr. Cyr met with the Wauwatosa Board of Public Works which recommended granting an encroachment to the property which would basically allow outdoor burning as if it were on private property.

Title 14.24 requires any open burning to be located at least 25 feet from any structure, trees, shrubbery, dry grass, or other combustible materials. All burning must be confined to a manufactured portable fireplace which is designed to limit the escape of sparks or burning embers.

**Fiscal impact:** There is no financial impact to this issue.

**Recommendation:** While the fire department does have concerns regarding open burning being located in an area of heavy pedestrian traffic, we do not support nor oppose this request. If the encroachment request is granted, the fire department will enforce the outdoor burning as if it were located on private property in accordance with Wauwatosa Title 14.24.

Respectfully,

*James Case*

James Case  
Assistant Fire Chief / Fire Marshal

Attachment: FD report on Cafe Bavaria Outdoor burning (2845 : Cafe Bavaria Encroach Amend)