



CITY OF WAUWATOSA
COMMUNITY DEVELOPMENT COMMITTEE
MINUTES • MARCH 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	Absent	
Bobby Pantuso	Alderman	Present	
Cheryl Berdan	Aldерwoman	Present	
Matthew Stippich	Alderman	Present	
Michael Walsh	Alderman	Present	
Allison Byrne	Aldерwoman	Present	
Paulette Enders	Development Director	Present	
James Archambo	City Administrator	Present	
Alan Kesner	City Attorney	Present	
Eileen Miller-Carter	Asst. City Attorney	Present	

1. Proposed ordinance amending Title 2 by creating the Communications and Marketing Committee

The committee reviewed a memo from the Ad Hoc Marketing Committee requesting the creation of a Communications and Marketing Committee.

Ald. Causier explained that 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.

A recommendation was made on July 29, 2014 to create a permanent Marketing and Communications Advisory Committee with the following recommendations:

- 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

Ald. Causier said that the committee took time to reflect on their recommendations and in late 2014 focused its efforts on establishing the mission of a permanent committee to be incorporated into a draft ordinance, as recommended by the Community Development Committee. The Committee decided to hold off on any further efforts to recommendations #2 and #3 until a permanent committee was approved, appointed, and established.

Ald. Roznowski noted that there is no staff on this Ad Hoc committee, which is why he and Ald. Causier are presenting this item to the committee.

Ald. Roznowski explained the draft ordinance in that the permanent committee would be named the Marketing and Communications Advisory Committee (MCAC). The word advisory was chosen carefully because the committee is not setting any policy, but they are providing advice to the Council, Staff and the Mayor.

Ald. Roznowski said that the MCAC would focus its attention on the elements of the City's Plan that deal with marketing and communications including:

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

The Committee would consist of eight community members and one Council member appointed by the Mayor.

Ald. Causier reviewed with the Committee the next steps to be taken:

- The Mayor appoints, and the Council approves, the nine members of the permanent committee
- MCAC focuses its initial efforts in the area of communications, specifically:
 - 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
 - Evaluate and advise on the development of a comprehensive, integrated communications plan that addressed internal and external communications needs and best practices
 - Initially, target two communications tools, city website and newsletter, for assessment and make recommendations on improving their effectiveness

Ald. Roznowski explained that at this time there is no funding associated with this piece to create the MCAC.

Moved by Ald. Wilson, seconded by Ald. Stippich
that an ordinance be drafted for introduction that would
establish the permanent Marketing and Communications
Advisory Committee.

Ald. Wilson said he is in favor of the permanent committee and looks forward to working with them.

Ald. Stippich said he appreciates the advisory title, and felt that the City needs to invest in an internal position and would be supportive of this.

Ald. Byrne felt that there is a void in the marketing of the City and agreed that an internal position is needed.

Ald. Wilson asked that a resolution be included with the ordinance adding that the Government Affairs committee would interact with the MCAC, as the designated Council committee most likely to do so.

Mr. Archambo suggested that the communications piece of this fall under Government Affairs and that the marketing piece of this fall under Community Affairs.

Ald. Roznowski responded to a question that if they had to choose which committee they would interact with, he felt it could be both committees. If asked to pick one he felt Community Affairs would be the better aligned committee, although it potentially could interact with Community Affairs, Financial Affairs, and Government Affairs.

The City Attorney opined that by not listing the reporting committee in the ordinance there would be flexibility as to what committee MCAC would report to. The City Attorney felt it would be mostly a Government Affairs issue.

Ald. Wilson asked for a friendly amendment to the motion to include a resolution be attached to the ordinance that the Government Affairs and the Community Affairs committee routinely interact with the MCAC, which was approved by the second.

Vote on the motion - Ayes: 7

RESULT:	RECOMMENDED FOR INTRODUCTION [UNANIMOUS]
MOVER:	Craig Wilson, Alderman
SECONDER:	Matthew Stippich, Alderman
AYES:	Causier, Wilson, Pantuso, Berdan, Stippich, Walsh, Byrne
ABSENT:	Hanson

2. Memo from the Assistant City Attorney attaching a draft Ordinance for honeybee keeping

The committee reviewed a memo from the City Attorney regarding an ordinance for the keeping of honeybees.

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.

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.

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.

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.

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.

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.

Ms. Miller-Carter explained the revisions made to the ordinance draft regarding inspections and hive splitting, in response to a letter received from the State Apiarist. She said this could be handled a couple of ways

consistent with bee practices. She suggested adding language that no more than two hives are allowed on a residential lot with the exception of temporary hive splitting. She reviewed the prohibited conduct and suggested additional language be added to read ...any swarm of bees not under active human management, explaining that with swarming and hive splitting, the principal is combined.

In response to suggestions and comments made regarding inspections. Ms. Miller-Carter explained that the Apiary inspection includes the hive location, the distance to property lines, these could be delegated to the City.

Regarding hive inspections, Ms. Miller-Carter said resources would have to be found, if the State Apiarist could not do them. Some trained or qualified individuals would be necessary for inspections to the actual bee hive.

Ald. Wilke spoke in favor of the item and felt that there has been a lot of thought put into this ordinance. He felt that this would be a good thing to do at the local level due to the decline in pollinators, and hives.

Brett Perry, 4108 N. 94th Street, has been a beekeeper for three years and would like to have interaction with bees in his own back yard. Mr. Perry said beekeeping is an educational opportunity for family and friends. He felt that there is potential for the schools to study and monitor bees by having their own hives.

Mr. Perry suggested that there are local beekeepers who would be available to take care of bees and make them productive if a hive were found, in lieu of using insecticides to kill them.

Charlie Keenan, 3259 Brennan St., Riverwest, said that education is very important and there is a lot of confusion between wasps and bees. He applauded the city ordinance. He noted that the greater goal of a beehive is not to make honey, but reproduce. Mr. Keenan talked about bee load balancing from one hive to another, making our community into an apiary, which is the way urban beekeeping is going internationally.

Lane Hall, 6437 Upper Parkway North, said he is an avid gardener, not a beekeeper, but part of having a garden is building community by sharing resources, he felt that these types of bonds build greater neighborhoods. He was in support of the ordinance.

Randy Hempken, Big Bend, said he is a commercial beekeeper and has trained about 300 new beekeepers. Mr. Hempken explained that he has worked with five different communities on their bee ordinances and offered any assistance he could provide.

Others present in favor included:

- Janet Fischer, Dousman, WI
- Maureen Millman
- Parker Martin
- Freda Paine
- Val Schleicher

Ald. Wilson reviewed a portion of the ordinance, thanking the audience for their technical expertise. He felt the ordinance as written is thorough enough but had a few suggestions on the Prohibited Conduct section. He suggested that under Section 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; suggested to firm up the language that this be relative to the beekeeper, the licensee. Section 2 - Hives shall be actively maintained and Hives not under active human management and maintenance may be dismantled or removed, suggested to firm up the language to say we reserve the right to dismantle.

The committee discussed at length. Numerous questions were raised as to the volume of additional work this would cause staff and would the City's cost be recouped through the fees to be charged.

Ald. Hanson present - 7:50 p.m. - 8

Ms. Enders said that the proposed cost of \$10 would not cover staff costs. She felt that the fees similar to chicken permits would be more appropriate, \$50 for the original permit, and \$20 to renew. Ms. Enders noted that this would no way cover the cost but it would be a more accurate fee. Ald. Stippich felt the fee should more accurately represent the actual cost, but agreed to at least mirror the fee charged for chickens.

Moved by Ald. Stippich, seconded by Ald. Pantuso to recommend introduction of an ordinance allowing the keeping of bee,s modifying the fee to a \$50 application fee and a \$20 renewal fee, incorporating changes made to the Prohibited Conduct section, and bringing the issue back to committee for a 6-month and 12-month review.

Ald. Byrne felt strongly that businesses should be included in this ordinance as well as allowing schools to have them. Discussion ensued and deemed that if businesses want to have beehives, it could be considered when requested. It was felt that there would be a lot of different issues with the restaurants that would have to be reviewed and discussed.

Discussion ensued regarding the inspection process. A site inspection is a visual inspection done after the permit is requested. A seasonal inspection is a more thorough inspection of the hive and still needs to be worked out who would be doing this.

Ms. Enders asked the beekeepers in attendance if they had further ideas or recommendations to forward them to the City. This item will be back to the Community Affairs committee on March 31st.

Vote on the motion - Ayes: 8

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

The committee reviewed a request by Drew Cyr, Café Bavaria, 7700 Harwood Avenue, to amend their current patio encroachment agreement for the inclusion of a small wood burning stove on their patio during the winter months.

The City Attorney explained that Mr. Cyr, appeared before the Board of Public Works on March 2nd, after it was discovered that they had an illegal wood burning stove in the City right-of-way. The business also has a stack of firewood covered by a blue tarp right near their entrance. The Fire Department was not contacted prior to installation of the stove.

The City Attorney suggested that the stove would go away as soon as the weather allows for outdoor seating, since there would not be room for both as it would take up room from their table space.

Attorney Kesner said that the Board of Public Works recommended to Council approval 6 -0, of the request by Café Bavaria for an amendment to their existing encroachment agreement with the following conditions:

- A thermal barrier be installed in between the wood fire stove and the stamped concrete
- The wood storage be relocated
- Benches should be used to enclose the area surrounding the stove
- A wire mesh to be installed to prevent embers from escaping

The Council referred it back to the Community Development Committee with additional concerns. The applicant was not present and it was not known if he was contacted to appear before this committee. Ald. Pantuso expressed concern that the applicant was not present to defend himself.

Assistant Chief Case provided a summary of the ordinance as it exists today. Title 14 does allow for open

burning on private property, not necessarily on public property. He explained it requires any open burning to be located at least 25 feet from any structure, trees, shrubbery, dry grass, or other combustible materials. The fire must be constantly monitored by a competent person. All burning must be confined to a manufactured portable fireplace which is designed to limit the escape of sparks or burning embers. The Chief said that the department does not respond to private property fire pits.

Chief Case noted that this issue has been brought up for a couple of establishments:

- **Collectivo Coffee, 6745 W. Wells St,** a variance was approved for a natural gas fire pit located near the building and under a wooden pergola-type structure. As part of this variance request they were required to place an outdoor, anti-freeze fire sprinkler system under all portions of the wooden pergola-type structure
- **Camp Bar, 6600 W. North Avenue,** a variance was approved to allow a natural gas fireplace be placed within 25’ of the structure. This variance was approved due to it being a gas-fired fireplace with simulated logs along with additional wire mesh screening being placed over the main opening

The Chief suggested that the anti-freeze sprinkler system cost in excess of \$10,000, not everyone would be able to do this.

Chief Case replied to a question that the fountain near the stove was not a combustible structure. Tables and benches that are made of wood, could be a combustible structure. Things that would cause the fire to spread are combustible.

Ald. Causier felt that this was brought back to committee to establish a policy for outdoor stoves for commercial businesses on public right-of-way.

Ald. Wilson excused 8:34 p.m. - 7

The City Attorney said there are options for the committee. He felt that the stove will be going away shortly due to the space being needed for tables and chairs. He suggested that Café Bavaria could come back next year with a better way to have an outdoor stove on public right-of-way.

Moved by Ald. Causier, seconded by Ald. Hanson to deny the request for an amendment to the existing encroachment agreement with Café Bavaria, 7700 Harwood Avenue.

Ald. Berdan noted that a policy statement would be simple enough. You don’t burn anything on public property. It is a through-way in that area where people walk and bike ride.

Vote on the motion to deny - Ayes: 7

The meeting adjourned at 8:43 p.m.

RESULT:	RECOMMENDED FOR DENIAL [UNANIMOUS]
TO:	Common Council
MOVER:	Kathleen Causier, Alderwoman
SECONDER:	Tim Hanson, Alderman
AYES:	Causier, Wilson, Hanson, Pantuso, Berdan, Stippich, Walsh, Byrne

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
- 69th Street conceptual design
- Resolution to the State Legislature regarding the Mayfair Corridor - GA
- Building Code revisions - CA 03/31/2015

Carla A. Ledesma, CMC, City Clerk