

**Please note: Minutes are unofficial until approved by the Community Development Authority at the next regularly scheduled meeting.**

**PUBLIC HEARING**

7:30 A.M. (3)AB CU-10-01 Hal's Harley – 1925 S. Moorland Rd. – 2010 Events.

**NEW BERLIN COMMUNITY DEVELOPMENT AUTHORITY****MAY 6, 2010****MINUTES**

The public hearing relative to the request by Hal's Harley for a Conditional Use for their 2010 Events located at 1925 S. Moorland Road was called to order by Alderman Harenda at 7:40 A.M.

In attendance were Donald Vaclav, John Fillar, Marta Broge, Ted Anderson, Deena Liska, and Ken Harenda. Also present were Greg Kessler, Director of Community Development; Nikki Jones, Planning Services Manager; Amy Bennett, Associate Planner; Corliss Tischer, Code Compliance Specialists; Ron Schildt, Transportation Engineer; and City Attorney Mark Blum. Mayor Chiovatero was expected.

Ms. Jones read the public hearing notice and stated there was proof of publication.

Ms. Bennett gave a brief presentation describing the request and showed maps indicating the location.

Alderman Harenda asked three times for questions or comments for the purpose of clarification, seeing none.

Alderman Harenda asked if there was anyone wishing to speak in favor of this application.

Alderman John Hopkins, 13221 W. Meadow Lane – I am here to speak in favor of Hal's. I would like to point out to the community exactly what Hal's means to the City of New Berlin. They are a big supporter of us in many ways. My District is directly across the street and to the north. I have received no complaints about any of the events from anyone in my District. I would like to point out once again that Hal's directly works with the City, with the Police Department in particular. They have been good citizens for many years.

Kirk Topel, Hal's Harley – The events that have been submitted this year are pretty much identical to what was approved last year. Since last year we have looked at alternatives to the stage used for music. (Mr. Topel indicated the stage on the map where they typically have had music.) I am very familiar with the gentleman who previously had problems with the music who is not here today, Tom Eide. I have spoke with Tom on numerous occasions. (Mr. Topel pointed out Tom's residence on the map.) Last year we had three occasions where we had music outside. As the year progressed we tested various locations that were further west from the concrete stage to try to find the ideal situation to minimize any noise. I can tell you for all of the times that we did have music play last year, I did make a trip over to Tom's residence and there is kind of a tunnel affect with just the right situation where the music, for whatever reason, does seem louder in his yard then in any of the yards around there. We had put temporary staging in two different locations further west in the green space along the south side of the building. The

second position we tried, Tom agreed that it was the answer. Since that time I have contacted the architect involved with construction of the building and we intend to do some drawings. We have paid for an elevation survey that was performed in March. I have some drawings being processed to put some temporary stage set-up in that location so that in the future music can be back there. We have had the need to do a water main project to serve that whole plot of area. That has just been completed. There are two things I would like to point out about that project. One is the cost of it has delayed further investigation of a temporary stage. I am hoping we can get the first stage of it done this year and completed next year. The other significant thing about the water main is that it will allow us at some time, the extension of some asphalt parking if the City approves that. I just wanted to let the Authority know that I had taken Tom seriously last year and pursued some alternative options. We have been very cooperative in keeping in contact with Mr. Eide. I can't speak for Tom, but I can tell you that his main concern is that there is definition in writing on what the standard is. He is not opposed to us doing the things that we do. As I informed him my plan this year, as you can see by the calendar of events, has music happening on the site on Memorial Weekend and Labor Day Weekend. It is my desire to have music on the concrete stage for the Memorial Weekend event, and we would be using the temporary stage in the green space the rest of the year. Tom was not opposed to that, he just wanted to know what the commitment was for the future. With that, I would be happy to answer any questions.

Mayor Chiovaturo arrived at 7:45 A.M.

Mr. Fillar – I appreciate your effort to walk over to talk to Mr. Eide.

Mayor Chiovaturo asked three times for further comments in favor of this application, seeing none.

Mayor Chiovaturo asked three times if there was anyone wishing to speak in opposition of this application, seeing none.

Mayor Chiovaturo asked for questions from the Committee, seeing none.

Mayor Chiovaturo closed the public hearing at 7:50 A.M.

**NEW BERLIN COMMUNITY DEVELOPMENT AUTHORITY  
MAY 6, 2010  
MINUTES**

The Community Development Authority Meeting was called to order by Mayor Chiovero at 7:50 A.M.

In attendance were Mayor Chiovero, Donald Vaclav, John Fillar, Marta Broge, Ted Anderson, Deena Liska, and Ken Harenda. Also present were Greg Kessler, Director of Community Development; Nikki Jones, Planning Services Manager; Amy Bennett, Associate Planner; Corliss Tischer, Code Compliance Specialist; Ron Schildt, Transportation Engineer; and City Attorney Mark Blum.

Motion by Mr. Vaclav to approve the February 4, 2010 Community Development Authority Minutes. Seconded by Alderman Harenda. Motion passes with Alderman Liska voting present.

**COMMUNITY DEVELOPMENT AUTHORITY EXECUTIVE DIRECTOR'S REPORT** - no report.

**SPECIAL PRESENTATIONS**

1. John A. Knepel, CPA Partner, Baker Tilly Virchow Krause, LLP

Mr. John Knepel from Baker Tilly Virchow Krause, LLP summarized the services they perform for New Berlin Community Development Authority. Financial Statements and audit materials are kept on file in the Department of Community Development at New Berlin City Hall.

2. David Cappon – Housing Authority.

Mr. Cappon reported on the financial status, unit counts, and distribution of funds for the voucher program for New Berlin Housing Authority. He defined affordable housing and the requirements needed for assistance. He explained the task force initiatives and the type of housing involved with workforce housing. Mr. Cappon distributed hand-outs pertaining to this information.

**NEW BUSINESS**

3. (3)AB CU-10-01 Hal's Harley – 1925 S. Moorland Rd. – 2010 Events.

Motion by Mr. Anderson to approve the 2010 Annual Dealership Special Events Calendar for Hal's Harley-Davidson located at 1925 South Moorland Road subject to the application, plans on file and the following conditions:

- 1) Plan of Operation:
  - a) See 2010 Special Event Calendar.
  - b) Applicant shall contact and coordinate with the City of New Berlin Police Department, the Clerk's Office, the New Berlin Fire Department and the

Streets Department in writing a minimum of three weeks before each scheduled event. This shall trigger any necessary permits or licenses required for any scheduled event.

- 2) If after one year, there are no complaints or violations regarding these events, a zoning permit may not be necessary for future events, if applicant submits a letter to the Department of Community Development with special event dates and plan of operation thirty (30) days prior to any events in any given calendar year.
- 3) Applicant shall contact Waukesha County Department of Environmental Health for any necessary permits pertaining to food supplied via a licensed vendor.
- 4) Sanitation and fresh water facilities shall be adequate for the actual number of people using the site as required by Waukesha County Health Department.
- 5) If liquor is to be sold on site, applicant shall contact the City of New Berlin Clerk's Office to obtain a liquor and soda permit.
- 6) If any sales or solicitation of business will occur with vendors on site, a Direct Sellers Permit will be required from the Clerk's office.
- 7) All barricades shall be properly permitted by the City of New Berlin Streets Department and the New Berlin Police Department if applicable. Contact Streets Department to discuss all applicable barricade and signage requirements three weeks prior to event.
- 8) Applicant shall apply for and receive a loudspeaker permit from the City of New Berlin Police Department.
- 9) Apply and obtain appropriate building, plumbing and electrical permits when required to do so by code.
- 10) Temporary wiring for displays or lighting circuits shall require electrical permit and inspection from Building Inspections. Electrical work shall be performed by a licensed electrician.
- 11) Tents and other membrane structures erected for a period of less than 180 days shall comply with the International Fire Code per Wisconsin Enrolled Commercial Building Code. (Section 3103)
- 12) Temporary structures that cover an area in excess of 120 square feet shall not be erected, operated or maintained for any purpose without obtaining a permit from the local building official per Wisconsin Enrolled Commercial Building Code. (Section 3103.1.1)
- 13) Site plan with locations and sizes of all temporary structures will be required at time of building permit application.
- 14) Information delineating the means of egress and the occupant load shall be provided at time of building permit application. Temporary structures shall have permanent fire rating labels attached for inspectors review.
- 15) Tent Permit and inspection by the City of New Berlin Fire Department are required for events requiring tent set up. One or more fire extinguishers required in all temporary structures.
- 16) Applicant shall apply for and receive individual Sign Permits for all event signage and banners prior to installation.
- 17) The City of New Berlin reserves the right to review any potential complaints and take appropriate action, if necessary.
- 18) Site Plan:
  - a) Applicant shall coordinate all traffic flow with Waukesha County Department of Transportation and shall contact Waukesha County DOT to inform them of the events.

- b) There shall be no parking on Moorland Road or in the neighborhood East of Moorland Road. All event parking shall be contained on site or adjoining properties. If parking is to be on adjoining properties, letters from those property owners shall be on file with the City allowing any off-site parking.
- c) Parking and all activities shall meet all setback requirements.
- d) All signs shall be installed outside the ultimate right-of-way.

Seconded by Mr. Vaclav.

Motion by Alderman Harenda to modify Condition #2 to add, "Formal complaints will result in possible revocation of permit and mandate a public hearing be held with approval process".

Amendment to motion seconded by Mr. Fillar.

Discussion followed concerning Condition #2.

Mr. Vaclav suggested removing "one year" from the sentence.

Alderman Liska suggested saying "after each year" instead of "after one year".

Mr. Fillar felt a once a year permit is warranted.

Mayor Chiovero and Ms. Broge felt that the applicant has a good track record and a public hearing every year isn't necessary for the event calendar. Larger or special events would still require conditional approval.

Mr. Anderson felt the current language in the proposal is adequate.

Upon voting, the original amendment to the motion passes with Mr. Vaclav, Alderman Liska, Alderman Harenda, Mr. Fillar voting Yes, and Mr. Anderson, Mayor Chiovero, Ms. Broge voting No.

Motion as amended carried unanimously.

4. Pinewood Creek Project – Compliance Certificate (PG-631-5)

Motion by Mr. Fillar to accept the Pinewood Creek compliance Certificate from November 1, 2009 through January 31, 2010. Seconded by Ms. Broge. Motion carried unanimously.

5. New Berlin Community Development Authority Financial Statements – September 30, 2009 Baker Tilly Virchow Krause, LLP (PG-963)

Motion by Alderman Liska to accept the New Berlin Community Development Authority Financial Statements of September 30, 2009. Seconded by Mr. Anderson. Motion carried unanimously.

6. (7)NJ RO-09-34 Superior Disposal – 17100 W. Ryerson Rd. – Hearing, discussion, and possible revocation of Zoning Permit.

Motion by Mr. Fillar to approve the revocation of Zoning Permit # RO-09-34 issued to Chris Herro for Superior Disposal at the property located at 17100 W. Ryerson Road subject to application, plans, violation letters on file and the following reasons:

- 1) Mr. Herro and Superior Disposal is operating inconsistently with their Zoning Permit # RO-09-34 and is storing construction materials and trash on site, which causes concern that the materials being stored in the dumpsters could be hazardous, a threat to health and safety, and a public nuisance. Per the zoning permit RO-09-34, applicant was to adhere to the following conditions:
  - a) 5 roll-off trucks, 7 four-wheel drive pick-up trucks with plow attachments and 2 plow trucks shall be located on site. Up to 25 stored, empty dumpsters shall be stored in the parking lot. Location of the trucks and dumpsters to be according to submitted plan as far north on the parking lot as possible to allow for employee parking.
  - b) No stockpiling of waste or other loose debris shall be permitted on site.
- 2) This is the hearing before the Community Development Authority for the revocation of Zoning Permit # RO-09-34 issued to Chris Herro for Superior Disposal. The burden of establishing that there has been no violation shall be the owner of the property and Superior Disposal's responsibly.
- 3) Mr. Herro has not addressed all outstanding zoning compliance issues outlined in a letter dated January 15, 2010 and March 12, 2010.
- 4) Mr. Herro did not appear in court on March 17, 2010. Another appearance has been set for March 31, 2010.

Seconded by Mr. Vaclav. Motion carried unanimously.

Mayor Chiovaturo excused from the meeting at 9:10 A.M.

7. Street Lighting in New Berlin Industrial Park for Calhoun Road (PG-951)

Motion by Ms. Broge to approve the Beta LifeLED (or similar) at signalized locations throughout New Berlin. Within the New Berlin Industrial Park, WE-Energies Night Aura Shoebox fixtures on Fiberglass poles (dark bronze) shall be used (option B) for the following reasons:

- 1) Provides unique look to set Park apart from other districts.
- 2) Provides lighting at intersections.
- 3) Maintenance provided by WE-Energies.

Seconded by Alderman Liska. Motion carried unanimously.

## COMMUNICATIONS

8. Communication To: Community Development Authority  
Communication From: Greg Kessler, Director of Community Development  
RE: 2009 Industrial Market Report

Committee members acknowledged receipt of this communication.

9. Communication To: Community Development Authority  
Communication From: Greg Kessler, Director of Community Development  
RE: 2009 Submarket Maps

Committee members acknowledged receipt of this communication.

**ADJOURN**

Motion by Ms. Broge to adjourn the Community Development Authority Meeting at 9:40  
A. M. Seconded by Mr. Fillar. Motion carried unanimously