

VILLAGE OF FOX POINT
VILLAGE BOARD PUBLIC HEARING AND MEETING
TUESDAY, MARCH 8, 2016

A meeting of the Fox Point Village Board was held on March 8, 2016 in Schwemer Hall, 7200 N. Santa Monica Blvd., beginning at 7:00 p.m. President West commented there is a quorum; 6 trustees are present. Without objection roll call is suspended.

Members of the Village Board present included:

Village President Michael A. West
Trustee Eric Fonstad
Trustee Douglas H. Frazer
Trustee Marty Tirado
Trustee Liz Sumner
Trustee Christine Symchych

Absent-Trustee Terry McGauran

Also present were Village Manager Scott Botcher, Assistant Village Manager Mike Pedersen, Director of Public Works Scott Brandmeier, Village Attorney Eric Larson and Village Clerk/Treasurer Kelly Meyer.

Notice of the meeting was provided to the North Shore Now and to all others as required by State open meetings laws and posted on the official bulletin board at 7200 N Santa Monica Boulevard, as well as the village website at www.villageoffoxpoint.com, as per 2015 Wisconsin Act 79 and as described in Village Ordinance Chapter 116-2, 116-2(C).

Persons Desiring To Be Heard

Dr. Robert Kobylski, Superintendent, Nicolet High School District

Dr. Kobylski reported on the Nicolet Referendum. He reported on the history of Nicolet High School traditional education standards and strong partnership with parents and the community. He noted the operating referendum of 2.1 million dollars is set to expire in July of 2016 for Nicolet School district. To continue to maintain the tradition of excellence at Nicolet High School, he asked the community to consider extending the operational referendum by exceeding revenue limits at 3.15 million over the next 6 years. He noted potential tax changes per household – approximately \$7.00 annually per \$100,000 of home value. He briefly discussed significant cuts that would take place if the referendum fails.

David Quam, 8338 N Whitney Road

Mr. Quam noted his concerns without the operational referendum. He has lived and taught in the Fox Point School District for the last 19 years. Mr. Quam conveyed his community choice based on the excellent school district. Potential concerns directly related to the loss of the operating referendum such as the loss of a great deal of staff, change in student to teacher ratio, potential decline in home value, and the affect in school quality.

Michele Rifkin, 7821 N Mohawk

Ms. Rifkin commented on concerns with the school district's potential submission of a redevelopment zoning code change related to the Dunwood property. Ms. Rifkin noted her concern with feeling out of the loop on the potential redevelopment with the school district property and asked the public be properly informed about the things going on in the village. She asked the village to send letters out to every resident to keep residents informed.

Village Attorney Eric Larson noted there is no pending application with the village. Attorney Larson cautioned, if there is an application submitted, your role as trustees will likely be quasi-judicial meaning that you will act more like judges than legislators in the matter depending on how it comes forward and if it comes forward. With that in mind, act as judges; don't prejudge anything. Don't put

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statements out there for or against it because you could put yourself in a position where you are not then capable to act as a judge.

Kathy Carroll, 300 W Dunwood Road

Ms. Carroll commented she wrote a letter to the Village Trustees on the Dunwood school property distributed just prior to commencement of the meeting. Living directly across from Dunwood school property, her concerns were noted with respect to the potential neighborhood alteration and the magnitude of impact overall with disruptions of noise, potential crime increases, light invasion and increased traffic.

Marylyn Franklin, 7870 N Regent Road

Ms. Franklin noted she is a member of the Fox Point Foundation. The Fox Point Foundation has a mission to enhance the beauty and attractiveness of the village to attract new families to live in the community. Nicolet High School is a big attraction. The success of Fox Point is linked to the families that come here and the quality of the schools here.

Ms. Franklin noted she attended the meeting last night and has concerns on the Sale of the Dunwood property with respect to community meeting space, green space and the importance of recreation for the community.

Elizabeth Aelion, 210 W. Bergen Ct.

Ms. Aelion commented on misperceptions of debt issuance created in an article in the Fox Point of View. She wanted to speak on behalf of the article on village debt in the now article.

Larry Cohn, 200 W Dunwood

Mr. Cohn lives in Texas, but is speaking on behalf of his sister and parents living at 200 W Dunwood and commented on concerns with the sale of the Dunwood property directly across from his parent's property. His concerns are the following: no notice given of this property sale, RFP process, community space, need for green space, and zoning restrictions.

Michelle Lafferty, 7840 N Mohawk Road

Ms. Lafferty noted her concerns of the potential rezoning of the Dunwood property, the additional green space needed and lack of property sale knowledge provided to the public.

Greg Ollman, 7525 N Fairchild Road

Mr. Ollman commented on the Candidate Forum being held at the Police Department on March 16, 2016, at 7:00 p.m. He invited residents to come to the event and ask candidates some questions.

Andrew Pape, 7800 N Mohawk Road

Mr. Pape noted his concerns with the Dunwood school property proposal. Asked the village to represent the residents of Fox Point and look at what the property would be in approximately 5 additional years.

Lorry Rifkin, 7821 N Mohawk Road

Mr. Rifkin remarked on the Dunwood property with the following concern the village gave no opinion on preference for the property and the village should represent village residents. His concern was why the village is not buying the property. He asked for time and consideration to put together enough donation money to purchase the property and develop it as a park.

Mark Tishberg 7101 N Yates Road

Mr. Tishberg asked the Village Board not to make any decision and give time and consideration to either the village or residents to purchase the Dunwood property. His preference is single family homes and the largest park possible at the property location.

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Hearing no other matters, President West closed public comment.

Consent Agenda – All items listed under the Consent Agenda will be approved in one motion without discussion unless any Board member requests that the item be removed for individual discussion and possible action. Any item(s) so removed shall be considered individually prior to consideration of any New Business agenda items in the same order in which they were originally listed in the Consent Agenda.

President West opened public comment on consent agenda items; hearing none, public comment was closed on consent agenda items.

- a. Approve the Minutes of the February 9, 2016 Village Board Meeting as drafted January 29, 2016.
- b. Accept the quote of First Choice Tree Care, Inc. in an amount not to exceed \$4,000 for ground injection activities and the quote of Crawford Tree and Landscape, Inc. in an amount not to exceed \$28,000 for trunk injection activities, both related to the Emerald Ash Borer initiative, and authorize the Village President and Village Clerk to sign the contracts per the Village Forester's memorandum dated February 18, 2016.
- c. Accept Change Order No. 1 from Kapur & Associates in an amount not to exceed \$2,620 for additional private property lateral rehabilitation design activities and authorize the Village President and Village Clerk to sign the change order per the Director of Public Work's memorandum dated February 26, 2016.
- d. Adoption of Resolution 2016-03, authorizing Waterstone Bank as a public depository for the Village of Fox Point.
- e. Receipt and referral to Plan Commission and Building Board for request of rezoning of property to the F-District and consideration of pavilion reconstruction submitted for Milwaukee County by Teig Whalley-Smith Director Department of Administrative Services.
- f. Receipt and referral to Plan Commission and Building Board for request of property in F-Institutional District for proposed installation of new metal roof and gutters submitted for St. Eugene Congregation by applicant Terrance O'Neill.
- g. Acceptance for the replacement of squad car proposal from Ewald's Hartford for the squad replacement in the amount of \$28,781.00 and authorize the Village Manager to sign the purchase order.
- h. Approve Payment of the Bills in the amount of \$759,135.73 for the period February 1, 2016 through February 29, 2016 per the report submitted by the Village Manager.

On motion of Trustee Fonstad, seconded by Trustee Symchych, and carried unanimously, the Village Board approved the amended consent agenda.

Old Business

Discussion regarding potential Village of Fox Point pool study, as included in the 2016 Budget.

President West commented that this agenda item is a continuation of the Board's previous discussion regarding the pool. He asked trustees to review the second page of Village Manager Botcher's memorandum and commented that trustees input is needed prior to preparing the necessary RFP's for various studies that can bring expert opinion to the Board for consideration to the pool.

Village Manager Scott Botcher stated that copies of the prior Barrientos 2007 pool study were distributed to the trustees. He affirmed the need to give more consideration than to simply go out and hire an architect and draw possible pool designs for the village to choose from. Mr. Botcher asked the Village Board to consider the option of an aquatic center. He reported that he has been networking with various people, including Architect, Mr. Barrientos and discussed what was included with the prior pool study and thoughts for moving ahead in 2016 as the Village Board considers what to do with the pool.

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UWM Lubar School of Business has been contacted and is considering the pool for their program as one of the assigned organizations incorporating basic analysis of what is in the market place. He connected with a Professor who works with students in Marketing and Marketing Research. A brief two paragraph synopsis was finished on Monday of what they think this analysis could be. The UWM Professor is in the process of communicating with some UWM graduate students during this week and the next to see what kind of interest can be generated. In April he will come back with something more firm for the Board.

Trustee Symchych offered to contact the Planning Department as well at UWM.

Trustee Fonstad acknowledged the preparations for the new season with a new pump, staff and miss cupcake for the snack bar is important to the community and expressed the significance of exploring all the various options available for the pool, as it has been a fixture and defines the community. He asked that the Board recognize the residents' past-subsidization of the pool.

President West noted the following points: 1) The 2007 Barrientos pool study is quite comprehensive, but anything with a cost associated with it really should be brought up to-date. Getting a proposal from them for us to consider would be a good thing. 2) The 2007 report is based on four options, the fourth option was an enclosed facility that could be used year-round. This option may stay on the table right now. 3) The Barrientos report gave the four options and those may not be the only options at this time. 4) Inquired on whether the students and faculty advisors would include a survey that would poll the users. 5) Students should consider donors and how that might fit in. 6) The capital cost would need to be considered.

Trustee Tirado noted the village is in the pool business already and should go to the next step. He thanked the village manager investigating the use of UWM students to assist the village and minimize the costs involved.

Trustee Sumner noted the hours should be considered as well, maximizing the time; also it is important to consider a building with an indoor gym or community center.

This will be back on the April agenda and it will be moving forward.

New Business

Consideration and potential approval of Ground Lease Agreement amendment with PI Telecom Infrastructure T, LLC.

Village Attorney Eric Larson commented on the prior agreement and changes in the revised agreement. The license agreement that was approved by the Village Board had in it a requirement that PI Telecom Infrastructure T, LLC, prove that they have the insurance that the agreement required. Attorney Larson discovered that one of their carriers is rated A- instead of the A rating that is required. They were not able to get a new policy. The agreement was re-written to include an excellent rating, which can include an A or A- rating. The Village Manager negotiated that PI Telecom Infrastructure T, LLC, will now make an annual donation to the Fox Point Foundation of \$500 every year and it will go up at a fixed percent of 15% every renewal period or every five years for the duration of the lease.

PI Telecom Infrastructure T, LLC Representative Vice President of Operations Ron Bittner

Mr. Bittner gave a brief background of the change to the agreement.

President West asked for public input and hearing none, closed public comment.

On the motion of President West, seconded by Trustee Fonstad, the Village Board accepts and approves the Ground Lease Agreement amendment with PI Telecom Infrastructure T, LLC and

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authorize the signature of the Village President and Village Clerk. A brief discussion took place. Motion carried unanimously, 6-0.

Presentation of Village Attorney Eric Larson on Code Enforcement Inspection legislation

Village Attorney Eric Larson noted that he passed around a memorandum today and apologized for doing so at this late time. Attorney Larson moved through the memorandum clarifying Act 176. The ordinance the village currently has cannot enforce the change. The ordinance on Rental inspection may need to be tweaked and updated to continue with rental inspections. Staff will have to bring back more information on the recent Act 176. This is the first step in regard to the new legislation. Attorney Larson noted the village should suspend enforcement of the ordinance until everything settles.

President West asked for public comment.

Elizabeth Aelion, 210 W. Bergen Ct.

Ms. Aelion inquired if there was anything proactively and reactively the village can do with this new law.

Village Attorney Eric Larson noted that the City of Milwaukee is currently challenging this new law and wants to know how far the state can go with this home rule.

Hearing no other comments. Public comments are closed.

President stated there will not be a closed session, as there is no need.

Future Agenda Items

None

Announcements

Trustee Fonstad commented on the Tree Commission, which met last month. The highlights of the meeting follow. There were 106 ash trees removed this winter by the village contractor and 82 were removed by the village, bringing the total to 188 removed. Of the 600 trees that were unclassified last year, 100 will be designated for removal in 2016. There are between 900 and 1000 ash trees in the village that are being treated. Tree commission talked about an idea to recycle the ash lumber into benches. Staff is looking into that possibility. Arbor Day is April 29th this year. Tree Commission is encouraging staff to look into ways for leaf composting. The village will plant 102 trees this year.

Trustee Symchych commented the Fox Point-Bayside LX Club President Paul Kintz expressed to the Village Board and the community his disappointment in the possible sale of the Dunwood site. He wanted the communities involved in the club to step up and say that the club mattered to the community. He wanted to point out that since the sale of the property has been announced, their membership has gone down by 90-100 people; it is down to a low of 88 people now. Their financial viability is a little bit tenuous and he felt like one of the inevitable outcomes might be the folding of the club due to no longer having a home and it may not have the income necessary to sustain itself. He wants everyone to be aware that he and others are concerned about that. The library director Susan would like the elected officials to come to the library and walk through the library to see the state of the library. Trustee Symchych will work through Scott and Kelly to schedule some times for trustees to walk through the library.

Trustee Sumner commended the staff on the banking negotiations, it sounds the bank will save money and staff time, which is great. Liz Sumner was at the school board meeting last night, regarding

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the sale of Dunwood property and was present for the whole 2 plus hours. Therefore, there was a representative present from the Village Board.

Village Manager Scott Botcher commented the ADA touch pads will be dealt with in the next week to two weeks, making the touch pads more accessible. The audit is being completed this week. It is actually ahead of schedule. The village now has wireless available. The password was announced.

Closed Session

Closed session was not held.

Adjourn

On motion of Trustee Sumner, seconded by Trustee Fonstad, and carried unanimously, the Village Board adjourned at 8:53 p.m.

Respectfully submitted,

Kelly A. Meyer, WCMC
Village Clerk/Treasurer