

VILLAGE OF FOX POINT
VILLAGE BOARD PUBLIC HEARING AND MEETING
TUESDAY, April 12, 2016

A meeting of the Fox Point Village Board was held on April 12, 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. The meeting is called to order; without objection, roll call is suspended.

Members of the Village Board present included:

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

Absent-Trustee Terry McGauran

Also present were Village Manager Scott Botcher, Director of Public Works Scott Brandmeier, Village Forrester John Gall, Police Chief Chris Freedy, 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

Jan Singer, 8426 North Regent Road

Ms. Singer commented on concerns of making Village Board more accessible to residents perhaps a brief glossary with acronyms could be added at the end of the agenda for terms such as "lateral rehabilitation".

Mary Lacharite, 8049 North Santa Monica Blvd

Mrs. Lacharite noted a recent newsletter has not been sent; she inquired as to future plans are in regard to future newsletters.

President West noted the Village Manager will get back to her in regard to the newsletter.

Hearing no other matters, President West closed public comment.

Committee Reports - Plan Commission Report

President West addressed a potential correction to the Conditional Use Order in regard to the Conditional Use Permit, Bentley's Pet Stuff, Inc., located at 8642 N Port Washington Road/RiverPoint Village.

Village Attorney Larson noted on page 1 of the packet, paragraph 1, The Conditional Use Order did not incorporate the Plan Commission's request. Page 1 of the packet. Paragraph number 1, under "Use Restricted", the Plan Commission recommended the language of the second sentence only; the first sentence was to be removed.

President West noted unless there is an objection, the draft conditional use order once taken up on the consent agenda by the Village Board will be from an amended Conditional Use Order in which the use restriction has the first sentence struck.

Conditional Use Permit: Bentley's Pet Stuff, Inc., 8642 N Port Washington Road/RiverPoint Village

President West commented that the application was reviewed and the Conditional Use Order was amended and this was unanimously recommended to the Village Board for approval.

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Construction of New Restroom Facility with Attached Pavilion, 1870 (as corrected) East Fox Lane / Doctors Park

President West noted this is Milwaukee County applying to build this structure. This is contingent upon this parcel being rezoned and the subject of the public hearing.

President West asked for questions from trustees.

Milwaukee County Architecture and Engineering Department Project Manager and representative, Phillip Schmidt briefly explained the choice in materials chosen for durability and longevity.

President West requested the minutes reflect Mr. Schmidt's description of the roof color to be medium bronze.

Trustee Fonstad noted this project is contingent upon the rezoning and as such would be subject to the four conditions, as at the Plan Commission meeting; those same four finding must be made by this body so for the record, he asked that Milwaukee County go through those four conditions and comment on how this project satisfies those findings.

Mr. Schmidt commented for record on the proposed location is in the exact location of the current building that will be replaced. There will be a service drive and pathways for accessibility to the building. It is compatible with the neighborhood with the overhang on the roof and the materials selected; it is not detrimental to the property values of surrounding properties. The building is set back in the park which is not near any current properties. In keeping with the residential character and quality of the village, it does comply because of the materials selected for profile and use of the building.

President West explained the Plan Commission considered these four factors and found that the application met them.

Proposed installation of new roof and gutters on office building/rectory and church at St. Eugene's Congregation, 7600 N Port Washington Road

President West noted this was considered by the Plan Commission as well and is in the F-Institutional District. Plan Commission reviewed and considered the application with the graphics and drawings and found that it conformed to the four tests in the ordinance and recommended approval by this Village Board. Plan Commission reviewed the ribs on the roof and found they were spaced just fine.

President West asked for Public Comment on the above 3 Plan Commission items.

Jan Singer, 8426 North Regent Road

Ms. Singer noted her concerns that a family bathroom was not considered in Milwaukee County Doctors Park Project.

Phillip Schmidt, Milwaukee County Architecture and Engineering Department Project Manager

Family use was provided within the shelter family use; it is not a separate room, but there is a baby-changing station in the ADA bathroom stall. Looking at the use of the park and the number of facility features, we were looking at current space rather than enlarging the area for more amenities.

Jim Lacharite 8049 North Santa Monica

Mr. Lacharite inquired if the building is considered obsolete and asked if the building was considered for remodeling.

Barbara Barrow 1810 East Fox Lane

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Ms. Barrow noted she is new to the plans of this facility. She inquired on the number of stalls in the plan, the square footage, and who will be paying for the proposed new building.

Phillip Schmidt, Milwaukee County Architecture and Engineering Department Project Manager

Phillip noted on the remodeling the existing facility is old and not what you would consider handicapped accessible. The new facility is designed to be handicap accessible. This facility is a little different than the existing facility because they are providing an open-air picnic shelter. County Parks did consider remodeling versus building a new facility.

Phillip explained the restroom facilities that are proposed. He noted the project is being paid for out of the Capital Project Fund and approved by the Capital Board, essentially funded by the Milwaukee County Levy.

Larry Goodman 8305 North Allen Lane

Mr. Goodman is with Friends of Doctors Park. He noted in the last 5 years they have been working to improve the park; over the years they have painted the facility and cleaned it up. He noted there is asbestos in the basement and all kinds of water leaks. He stated the building is way beyond its years of life. This facility is in need of improvement and urges that this project goes forward.

Mary Beth Mills, 1811 East Dean Road

Ms. Mills had the following concerns: 1825 does not seem to be the correct address number for Doctors Park, as noted on the agenda, and the lighting and lighting hours for the new proposed facility.

Phillip Schmidt, Milwaukee County Architecture and Engineering Department Project Manager

Mr. Schmidt noted the size of the new facility footprint is roughly about the same size, with a little more space than the current building. In regard to the lighting, the overhang has exterior lighting which would be on overnight. A security light is above each of the doors and one in the shelter area. The existing street lighting is also on 24 hours for security. All lights project down.

President West noted lighting is regulated by the Village of Fox Point ordinance(s).

Barbara Barrow 1810 East Fox Lane

Ms. Barrow inquired on more clarification for the plumbing with the proposed facility.

President West noted all of the plumbing is connected to the Fox Point Sanitary Sewer service.

Hearing no other comments, President closed the public comment.

Public Hearing

Proposed Ordinance effectuating the rezoning of the property at 1825 East Fox Lane, Fox Point Wisconsin (the portion of Doctors Park located within the Village limits) from A-1 Residence District to Park in the F-District (Institutional).

On motion of Trustee Fonstad, seconded by Trustee Symchych, and carried unanimously, the Village Board opened the public hearing.

President West gave report on the Proposed Ordinance. He noted this application is being referred from the Plan Commission to Village Board. The request for rezoning comes from Milwaukee County. This is required to permit the construction of this particular structure that they proposed. The Plan Commission considered this currently zoned residential property to be rezoned as Institutional F-District. The original request was for rezoning to Park, however, Village of Fox Point would have to have created a park district, as opposed to rezoning it institutional; this will accomplish the goals of Milwaukee County.

Village Attorney Eric Larson briefly explained the State Law changes in parks; required rezoning is necessary. This ordinance would define this parcel as a park in the Village of Fox Point and will be consistent with the comprehensive plan.

Trustee Frazer inquired if the village has an ordinance classification called parks and asked whether all

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parks are within the F-District, institutional classification.

Attorney Larson noted this park has been A-District residential. As a historical anomaly, it was residential and was donated for park purposes. It just continued as a residential parcel. This is the only Milwaukee County Park in Fox Point. This had been a residential parcel at one time and was donated to be used as a park. The village zoning does not currently have a classification for parks.

Trustee Fonstad wanted to amplify what was being discussed earlier, noting the village's comprehensive plan recognizes this area as a park. Therefore, this would be consistent with the comprehensive plan.

Jan Singer, 8426 North Regent Road

Ms. Singer inquired if Bayside will be considering the zoning for the park as well, with a portion of the land being in Bayside.

John Dargle, Milwaukee County Park System Director

Mr. Dargle did note that Milwaukee County Parks is also following through with Bayside to be for proper zoning as well.

Mary Beth Mills, 1811 East Dean Rd

Mrs. Mills stated her concerns in regard to the address of the Doctors Park as noted on the agenda as 1825. She believes the address is incorrect and may be 1872.

Attorney Larson noted Milwaukee County's application did note the address as 1825; therefore, that was what was placed on the agenda. He noted the rezoning is not based on the address; it is based on the legal description and the legal description encompasses the entire park, which lies in the village.

Public Works Director Scott Brandmeier noted the address is 1870.

Attorney Larson commented this is not a substantive problem. Anybody with interest in this matter was clearly given notice that this was Doctors Park by the statement on the agenda. He noted the ordinance fully addresses all of the land.

President West commented Milwaukee County will most assuredly return from this meeting and change the address noted for the park.

Barbara Barrow 1810 East Fox Lane

Ms. Barrow noted concerns that this would remain a park with no change in use to the park.

John Dargle, Milwaukee County Park System Director

Mr. Dargle noted the parcel was deeded to the Milwaukee County Parks Commission through a private donation. It has always been planned as a park and should remain as a park.

Trustee Fonstad noted that as recalled in the past, a cell tower was proposed for the park area and the deed was brought up at that time to be used as a park only. President West agreed that was what he recalled as well.

Mary Beth Mills, 1811 East Dean Rd

Mrs. Mills asked that the minutes reflect the correct address number of 1870 for Doctors Park facility and entire property parcel.

Hearing no other comments, President closed the Public Hearing.

On motion of Trustee Fonstad, seconded by Trustee Symchych, and carried unanimously, the Village Board closed the public hearing at 7:52 p.m.

On motion of Trustee Symchych, seconded by Trustee Fonstad and carried unanimously, the Village Board moved to adopt the Ordinance to rezone certain lands from the A-Residential District to the F-

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Institutional District and create Section 745-20(F) of the Village of Fox Point village code to zone Doctors Park as a park in the F-Institutional District.

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.

- b. Grant a Conditional Use Permit to Bentley's Pet Stuff, 8642 N Port Washington Road, RiverPoint Village and authorize the Village President and Village Clerk/Treasurer to sign the Conditional Use Order. Removed.
- e. Accept the bid of Bark River Tree Service in an amount not to exceed \$20,000 for the removal of diseased elm trees and authorize the Village President and Village Clerk to sign the contract per the Village Forester's memorandum dated March 31, 2016.
- f. Adopt the Arbor Day Proclamation proclaiming April 29, 2016 as Arbor Day in the Village of Fox Point.
- g. Accept the proposal of Kapur & Associates in an amount not to exceed \$10,105 for survey and design services for storm water improvements on Navajo and Seneca Roads and authorize the Village President and Village Clerk to sign the contract per the Director of Public Work's memorandum dated April 4, 2016.
- h. Accept the proposal of Kapur & Associates in an amount not to exceed \$12,998 for the 2016 sanitary sewer televising activities and authorize the Village President and Village Clerk to sign the contract per the Director of Public Work's memorandum dated April 4, 2016.
- i. Accept the proposal of Ruckert & Mielke, Inc. in an amount not to exceed \$43,320 for GIS enhancements and preparation of additional database tools and authorize the Village President and Village Clerk to sign the contract per the Director of Public Work's memorandum dated April 4, 2016.
- j. Accept the base bid and alternate bid of Musson Brothers, Inc. in the amount of \$114,350 and \$20,500, respectively, for the 2016 Sanitary Sewer Lateral Rehabilitation Project and authorize the Village President and Village Clerk to sign the contract per the Director of Public Work's memorandum dated April 4, 2016.
- k. Accept the proposal of Kapur & Associates in an amount not to exceed \$6,000 for construction inspection activities associated with the 2016 Sanitary Sewer Lateral Rehabilitation Project and authorize the Village President and Village Clerk to sign the contract per the Director of Public Work's memorandum dated April 4, 2016.
- l. Accept the proposal of Ruckert & Meilke, Inc. in an amount not to exceed \$83,400 for the 2016 Storm Water Management Plan Update and authorize the Village President and Village Clerk to sign the contract per the Director of Public Work's memorandum dated April 5, 2016.
- m. Adopt Ordinance to Create Chapter 340, Article V of the Village of Fox Point Village Code Concerning Weights and Measures Inspection Services and Cost Recovery.

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- n. Adopt a Resolution to Designate Public Depositories, to designate Waterstone Bank, Fox Point, as the Village public depository.
- o. Approve the request of The Rotary Club of Milwaukee-North Shore and Boy Scout Troop 391 to use Village streets on May 30, 2016 for the Memorial Day Parade and to waive fees and costs for the event per the Assistant Village Manager's memo dated April 4, 2016.
- p. Approve the permit to use Village Streets for the United Performing Arts Fund Ride for the Arts on Sunday, June 5, 2016 per the Assistant Village Manager's memo dated April 4, 2016.
- q. Approve Payment of the Bills in the amount of \$665,921.46 for the period March 1, 2016 through March 31, 2016 per the report submitted by the Village Manager.

President West requested Consent Agenda items 5a, 5c, and 5d be removed.

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

Approve the Minutes of the March 8, 2016 Village Board meeting, as presented (5a)

President West noted he received a memorandum earlier in regard to proposed changes to the minutes from Trustee Fonstad and read the proposed amendments as written in the memorandum.

Village Manager Scott Botcher noted for record in the past he has always been very sensitive to rebuilding minutes and as a matter of principle would like to be very attentive to that fact.

On motion of Trustee Fonstad, seconded by Trustee Frazer, and carried unanimously, the Village Board approved the minutes of the March 8, 2016, Village Board meeting, as amended.

Approval of Construction of new restroom facility with attached pavilion – 1870 (as corrected) East Fox Lane (5c)

President West asked that it be noted for record that the four tests in the ordinance are met.

As stated by Milwaukee County and for record, Port-a-pot facilities will be provided while construction is taking place at Doctors Park, 1870 East Fox Lane.

On motion of Trustee Fonstad, seconded by Trustee Tirado, and carried unanimously, the Village Board grants approval of 5c per the agenda notice and specifically find each of the four findings required by the institutional zoning have been met.

Approval of new roof and gutters on office building/rectory and church at St. Eugene's congregation, 7600 North Port Washington Road (5d)

On motion of Trustee Fonstad, seconded by Trustee Frazer, and carried unanimously, the Village Board grants approval of a new roof and gutters on the office building/rectory and church at St. Eugene's as set forth in agenda item 5d and that we specifically find that each of the four findings required by the institutional zoning district have been met.

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Proposed Ordinance to Repeal and Recreate Section 756-48 Related to Change of Occupancy and Repeal and Recreate Section 63-2(A)(1) Concerning Minimum Building Code Fees and Inspection Fees of the Village of Fox Point Village Code

Village Attorney Eric Larson gave a brief description of the background per new legislation, 2015 Act 176.

Jan Singer, 8426-28 North Regent Road

Ms. Singer noted her concern in regard to duplexes and was given clarification by Village Attorney Larson.

Hearing no other comments, President West closed public comment.

On motion of Trustee Symchych, seconded by Trustee Fonstad and carried unanimously, the Village Board adopted the ordinance to Repeal and Recreate Section 756-48 Related to Change of Occupancy and Repeal and Recreate Section 63-2(A)(1) Concerning minimum building code fees and inspection fees of the Village of Fox Point Village Code, as drafted and presented.

Resolution of Commendation and Appreciation – Kareth Servis

On motion of Trustee Fonstad, seconded by Trustee Frazer and carried unanimously, the Village Board approved the Resolution of Commendation and Appreciation presented to Kareth Servis.

Proposed Ordinance to Create Section 670-62(C) of the Village of Fox Point Village Code Related to False Alarm Response Service Charges and Resolution to Establish a Fee Schedule for Response to False Alarms in the Village of Fox Point

Police Chief Chris Freedy gave a brief background on the proposed Ordinance to Create Section 644-1(C).

President West stated without objection the Village Board will suspend the rules and agenda items 7b and 7c will be taken together.

On motion of Trustee Fonstad, seconded by Trustee Frazer, to approve the Ordinance to Create Section 644-1C of the Village of Fox Point Village Code related to False Alarm Response Service Charges, as amended and adopt the Resolution to Establish a Fee Schedule for Response to False Alarms in the Village of Fox Point.

Trustee Fonstad commended Police Chief Chris Freedy and Village Manager Scott Botcher for looking into this. There was no further discussion.

Motion carried unanimously by the Village Board.

Proposed Ordinance approving change in North Shore Health Department Fee Schedule

North Shore Health Department Ann Christiansen was present to give a brief background and answer any questions.

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On the motion of Trustee Sumner, seconded by Trustee Tirado and carried unanimously, the Village Board approved the Ordinance changing the North Shore Health Department Fee Schedule.

Report on 2015 Forestry Activities

Village Forrester, John Gall reported on the 2015 Forestry activities.

Mr. Gall extended an invitation to everyone to attend the Friday, April 29, 2016, Arbor Day activities with students at Stormonth Elementary School at 2:30 p.m.

Forrester Gall mentioned Village of Fox Point received the recognition of Bird City; a public bird walk will be on Saturday, May 7, 2016 at 8:30 a.m. in the parking lot. This will become an annual event, hopefully gaining more exposure.

Mr. Gall reported the Ash Borer was found in the village last year and has been able to move forward with control of the ash borer. There are about 900 trees under treatment and approximately 600 still to be removed. Eventually the insect will feed on untreated trees and when that runs out the population of ash borers will collapse.

Forrester John Gall briefly noted the use of GIS to catalog trees, due to the village's uniqueness.

Trustee Fonstad recognized and commended Judy Shirley as part of the tree commission and for her participation and for setting the pace for the community.

Future Agenda Items

On the motion of Trustee Sumner, seconded by Trustee Frazer, the Village Board will take up the topic of Village Board compensation. Motion passed 5-1. (Trustee Symchych – Nay)

President West noted this will be taken up, but not necessarily at the next meeting. This will be placed on an agenda.

Announcements

President West noted this is Trustee Frazer's last Village Board meeting. He thanked Trustee Frazer for his service to the community and commented it was well done. President West stated Trustee Frazer enjoy his retirement.

Trustee Fonstad recognized Trustee Frazer for his service.

Trustee Frazer stated it has been an honor to serve the Village of Fox Point in the capacity of trustee for the last 6 years, most particularly because it has allowed him to learn so much about municipal law, municipal governance and so much from everyone, such as present board members, former board members. He noted he learned a great deal from them all. In addition, the former Village Managers that he worked with. He also noted he learned a great deal from the present staff. It has been fun serving and it has been fun learning.

Trustee Symchych thanked Trustee Frazer for his service.

Trustee Symchych is the appointed/elected Community Representative of the Library Board. The Library decided a while ago it will stay in its current location, instead of moving. What came from that would be described as a little decrepit and run down. The Library Board is currently rallying its sources and troops to figure out what to do on that front. Most likely,

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coming up there will be public participation opportunities to receive input. Hammel, Green and Abrahamson (HGA), came at her request and gave a presentation to primarily the Library Board, Trustees, Library Foundation, and Library Friends. This was a publically noticed meeting. A brief background was given by Trustee Symchych of the nationally renowned firm, HGA with a division specializing in Libraries. Fox Point's portion of the Library budget (per capita headcount) is approximately 28 percent. Trustee Symchych has been strongly advocating bringing in a consultant to help figure out the program of what a new library might look like. The Library Director is exceptionally qualified, but very overworked. The Library has a Board with no expertise in that area. The current estimate of the cost is about twelve to fifteen thousand dollars for the entire program development. She invited anyone can contact her in regard to the library.

Trustee Symchych thanked Public Works Director Brandmeier for producing the plaque for the footbridge. She was hoping that something ceremonious would be done in combination with the placement of the plaque.

Trustee Sumner thanked Mr. Frazer for his service and noted it was a pleasure working with him.

Trustee Tirado thanked Mr. Frazer.

Village Manager Botcher sees more opportunities in the budget on both the revenue and expense side the longer he is here. He noted he felt the Village was paying a little more in the telecommunications expenses then necessary. Assistant Village Manager Mike Pedersen was actually the lead in this. Enterprise Systems Group was contacted in relation to this concern; they gave the Village a recommendation of a company called Telecom Fitness who basically perform a telecommunications fitness for businesses and corporations. The village talked to them and had them come in and do a review of the services, including the internet access Village of Fox Point is currently using. They identified savings in excess of \$8,500 per year. The village has applied for and received refunds to-date in the amount of \$2,600 and some change. A lot of the unnecessary charges were due to lines that didn't exist over time and the village was being charged for them. The village was paying taxes on some and the village is tax exempt. No sacrifices were made to accommodate the savings on cost. Improving service has also been done. Mr. Botcher noted Mike Pedersen and he installed wireless themselves at the village hall location. FoxPoint1926 is the password for anyone wishing to use the service at the meetings.

Village Manager Scott Botcher people underestimate this, but he wants to make this extremely clear we've gone through now an election cycle; this being our second election. There are two more elections to go. He noted, making it very public, primarily Village Clerk/Treasurer Kelly Meyer and Administrative Assistant/Deputy Clerk Sue Genrich, have done more work for this village and pulling these elections off, coordinating volunteers and they have honestly amazed me. Mr. Botcher commended both Kelly and Sue, noting all the citizens in Fox Point should be grateful that they are working for us and not any other municipality. Be sure to thank them for their service when you see them.

Village Manager Scott Botcher noted the Santa Monica Project Board is in the lobby for public view and will remain there. It is on the website, and also was at the poll locations for citizens to view. The police and public safety component has been coordinated.

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Mr. Botcher noted Mary said the expenditure restraint payment had been received by the village today.

Manager Botcher noted it has been a pleasure working with Trustee Frazer.

Adjourn

On motion of Trustee Frazer, seconded by Trustee Sumner and carried unanimously, the Village Board adjourned at 9:03 p.m.

Respectfully submitted,

Kelly A. Meyer, WCMC
Village Clerk/Treasurer