

**VILLAGE OF FOX POINT
VILLAGE BOARD MEETING
TUESDAY, FEBRUARY 13, 2018**

A meeting of the Fox Point Village Board was held on Tuesday, February 13, 2018 in Schwemer Hall, 7200 N. Santa Monica Boulevard. President Frazer called the meeting to order at 7:00 p.m. President Frazer asked the Village Clerk to take roll call. The Village Board present included:

Village President Douglas H. Frazer
Trustee Eric Fonstad
Trustee Christine Symchych
Trustee Marty Tirado
Trustee Greg Ollman
Trustee Liz Sumner

Absent-Trustee Bill Kravit

Also present were Village Attorney Eric Larson, Village Manager Scott Botcher, Assistant Village Manager Michael Pedersen, Public Works Director Scott Brandmeier, 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

President Frazer opened public comment.

Sheldon Cohn, 200 W Dunwood Rd.

Mr. Cohn noted his only objective was to distribute a copy of his letter dated February 13, 2018, addressed to Director of Public Works Mr. Scott Brandmeier, as attached and in record [Exhibit A]. Mr. Cohn is here on behalf of his parents who are the property owners.

James LaCharite, 8049 N Santa Monica Blvd.

Mr. LaCharite affirmed his full support for a stop sign at the intersection of Regent Road and Bradley Road.

Jaime Druck, 257 W Bergen Dr.

New Fox Point Foundation President Ms. Druck gave a brief overview of the Fox Point Foundation, stating the Foundation is interested in supporting, expanding and enhancing the Fox Point community. Ms. Druck invited the Fox Point Village Board to attend some of the Fox Point Foundation events.

Andrew Elmer, 101 E Bradley Rd.

Mr. Elmer stated his appreciation and support of any traffic calming techniques at the intersection of Regent and Bradley Roads to assist with community safety.

Lorry Rifkin, 7821 N Mohawk Rd.

Mr. Rifken stated his concern is lack of transparency and lack of information on the Dunwood school project grade being raised three feet.

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Dr. Gisela Chelimsky, 7950 N Lake Dr.

Dr. Gisela Chelimsky requested that the Village Board consider permitting chickens and bees in the Village of Fox Point community.

Dr. Thomas Chelimsky 7950 N Lake Dr.

Dr. Thomas Chelimsky noted his support of the slowing of traffic on Bradley and Regent Roads. He asked the Village Board to consider the ideal traffic patterns for safety in the village and strategically place the traffic calming techniques based on the traffic patterns.

Hearing nothing further, President Frazer closed public comment.

Committee Reports-Plan Commission.

Trustee Fonstad gave a brief report on the consideration and recommendation of the conditional use permit to Grand Avenue Club for the fundraiser/rummage sale of donated items to benefit Grand Avenue Club at 8700 North Port Washington Road, RiverPoint Village Shopping Center.

Consent Agenda

President Frazer opened for public comment; hearing no comments, public comment was closed.

- a. Approve the minutes of the January 9, 2018 Village Board meeting.
- b. Confirm President Frazer's appointment of Nancy Filsinger as a member of the Village of Fox Point Board of Appeals.
- c. President Frazer hereby announces his appointment of Terry Rindt as a Village resident member of the Village of Fox Point Audit Committee.
- d. Grant a Conditional Use Permit to Grand Avenue Club, 8700 North Port Washington Road, RiverPoint Village Shopping Center (formerly Ananco, Ltd., d/b/a, North Shore Bistro) and authorize the Village President and Village Clerk/Treasurer to sign the Conditional Use Order.
- e. Accept the replacement of squad car proposal from Ewald's Hartford Ford for two squad replacements at the cost of \$61,970.00 and authorize the Village Manager to sign the purchase order and other documentation needed for the transaction.
- f. Adopt Resolution supporting the Milwaukee County Pre-Disaster Mitigation Plan, dated August 2004, as updated in 2016 and as approved by the Wisconsin Emergency Management and the Federal Emergency Management Agency in May 2017.
- g. Approve the permit to use Village streets for the Fox Point-Bayside PTO Cupcake Run on Saturday, June 2, 2018 per the Assistant Village Manager's memo dated January 30, 2018.

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- h. Approve Change Order No. 1 from Jet Underground in the amount of \$4,414.50 for additional work performed on the 2017 Water Main Improvement Project and authorize the Village President and Village Clerk/Treasurer to execute the change order per the Director of Public Works' memorandum dated February 2, 2018.
- i. Approve SEH change order, dated January 5, 2018 for Dunwood Crossing Development review on behalf of the Village, in the amount of \$7,500.00 per the Village Manager's memorandum dated January 30, 2018.
- j. Approve Payment of the Bills in the amount of \$732,537.05 for the period January 1, 2018 through January 31, 2018 per the report submitted by the Village Manager.

On motion by Trustee Fonstad, seconded by Trustee Sumner, and carried unanimously, the Village Board approved the consent agenda, as noticed.

Consideration of Stop Sign at Bradley and Regent Roads

Village Manager Scott Botcher stated a four-way stop sign will be installed at Bradley and Regent Roads for an approximate one-year test time period. The village will collect data and analyze prior to the placement and following the placement of the stop sign at the intersection; this will be revisited in one year.

Elizabeth Aelion, 210 W Bergen Ct.

Ms. Aelion asked the village board to continue collecting data on the other streets that were also analyzed while collecting data on Bradly and Regent Roads to observe whether there are shifts in the traffic patterns while the four-way stop sign is tested for the one-year period.

Dr. Thomas Chelimsky

Dr. Thomas Chelimsky inquired on what data is being collected and how will the village board will determine if the four-way stop sign at the intersection of Bradly and Regent Roads will become permanent.

Andrew Elmer, 101 E Bradley Road

Mr. Elmer's opinion is a significant speed decrease will be in the areas directly adjacent to the area by the stop signs. Further down the roads this may not make a difference. He noted this may not be a long-term solution. Mr. Elmer is in full support of testing the stop sign to slow the speed of drivers.

Consideration of Resolution of Commendation for Alan Brown

On motion of Trustee Fonstad, seconded by Trustee Symchych, and carried unanimously, the Village Board adopted the Resolution of Commendation for Alan Brown.

Report on Indian Creek

Lawrence Tarnoff, 8501 N Point Dr.

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Mr. Tarnoff commented on concerns of the appropriate bodies failing to have the FEMA flood plain map revised to accommodate the work that Village of Fox Point has done 10-12 years ago to mitigate the flooding of the creek. Mr. Tarnoff is concerned property flood insurance has continued and may not be necessary with the updates for relief of flooding. He inquired on the timeline for the DNR to complete the Flood Plan map work.

A brief report was provided by Director of Public Works Scott Brandmeier on the updates of Indian Creek. He gave the historic background on Indian Creek and the village's agreement with MMSD.

Robert Cory, 7740 Santa Monica Blvd.

Mr. Cory stated he supports the removal of the vegetation; the buildup of vegetation and sediment causes the flow to be extreme.

Judy Shirley, 8235 N Mohawk Rd.

Ms. Shirley suggested the ash trees growing in the old skating rink of Indian Creek should be mowed down annually; if the ash trees are allowed to grow, the trees will raise the grade, causing issues and removal will become difficult.

Future Agenda Items -None

Announcements

Trustee Sumner announced she received a resident call concerning the safety of pedestrian traffic at the intersection of Green Tree and Lake Drive.

Trustee Tirado announced on February 28, 2018 at 6:30 p.m. in Schwemer Hall, a Community Pool Input meeting will be held.

Trustee Ollman commended the village staff for the work on the skating rink.

Village Manager Scott Botcher announced as a reminder, staff will begin discussions on the Fox Point Open House for June 2018. Anyone with input thought or ideas, please let staff know.

Mr. Botcher also announced staff is currently working to recreate the sex offender map with the recent law changes.

Manager Botcher commented the Utility Committee will be meeting soon and there will be a recommendation coming from that meeting.

Closed Session

On motion of Trustee Tirado, seconded by Trustee Sumner with all members voting aye, 6-0, the Board convened into Closed Session at 8:05 p.m., Pursuant to State Statutes Section 19.85(1)(c), to consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, more specifically concerning the Village Manager. Participating in this portion of the closed session will be the Village Board and Village Manager.

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Reconvene and Possible Action on Closed Session Items

On motion of Trustee Symchych, seconded by Trustee Fonstad, and carried unanimously, to reconvene to open session at 8:55 p.m.

Adjourn

On motion of Trustee Symchych, seconded by Trustee Ollman, and carried unanimously, the Village Board adjourned the Village Board meeting at 8:57 p.m.

Respectfully submitted,



Kelly A. Meyer
Village Clerk/Treasurer

[Exhibit A]

February 13, 2018

Mr. Scott Brandmeir, DPW
Village of Fox Point
7200 N. Santa Monica Rd.
Fox Point, WI 53217

Dear Mr. Brandmeir:

With reference to your February 7, 2018 "21 day notice" letter to property owners within 500 feet of Dunwood School, I have the following questions, comments and concerns for which I would like a comprehensive response.

1. Is it true that the 2.5 - 3.5 feet the property is to be raised is NOT something new? Was this always the plan and therefore the screening/perimeter berms will afford the same level of effect as originally intended? In other words, do the berms also need to be raised to offset the higher elevations?
2. I assume a drainage impact study was performed to model and evaluate the effect of the fill plan, including an analysis of the additional backwater flood effects on surrounding properties? Who performed the study? I would like to receive a copy of it. What were the conclusions of the study? How much will the new elevations impact flood elevations? What design storm was used in the study and is this by Village code or the developer's choice. What did the study conclude regarding the impact on the 100-year flood plain?
3. Where will the fill come from? Does the Village require the developer to specify the source? What are the specifications on the fill material? Although the Village code says something about using only "clean/inert" fill, how is this assured? Will the fill material be tested for contamination, as is common and a standard practice these days for commercial development? If not, why not? If so, how often will such testing be done? A couple of random tests done here and there is not sufficient for this volume of fill material. There needs to be a full testing protocol describing both frequency and analytes.
4. In the third paragraph of your February 7 letter, you imply that the applicant will only be required to install and maintain erosion control features *AFTER* (my emphasis) fill activities are complete. Please clarify. Surely this is not the case? In this day and age, ALL construction projects, everywhere in this country, are required to install erosion control features as the *FIRST* step prior to any land disturbance. In addition, has/will the

Village require the applicant to use BMP's (as would also be the standard practice)? Does the Village have the ability to require more stringent erosion and sediment control techniques be used upon observation that existing techniques are not working sufficiently? Will the Village inspections of the construction activities routinely include inspection of the erosion control features and an assessment of their effectiveness? Will the Village automatically get a copy of the Nationwide storm water discharge permit that the developer files? Likewise, will the Village automatically get results if any storm water testing is conducted or will you have to ask for such results?

5. I would like to obtain the list of other property owners who were notified by/got this letter. In other words, please provide the complete list of property owners within 500 feet of the applicant's property line.
6. Lastly, as you know, there have already been two days (last week) that violations of the development agreement (with regard to impacts on Dunwood Rd), have occurred. Thus, I find your last sentence in paragraph three to be perfunctory, at best. If Mandel Group cannot properly manage one of the very first (and smallest) of the many subcontractors who will be working on the site, the next 2 years does not bode well for the neighbors.

I do intend to thoroughly review the application and supporting materials well before the February 28, 2018 deadline, and may have more questions after that review is performed. However, I did want to get you and the Village Board these preliminary thoughts and concerns.

I look forward to your response to all these issues.

Sincerely,

Sheldon F. Cohn
200 W. Dunwood

C: Village Board