

**VILLAGE OF FOX POINT
SPECIAL VILLAGE BOARD MEETING MINUTES
SEPTEMBER 13, 2018**

A special meeting of the Fox Point Village Board was held on Thursday, September 13, 2018 in Schwemer Hall, 7200 N. Santa Monica Boulevard. President Frazer called the meeting to order at 7:00 p.m. and asked the Village Clerk-Treasurer to take roll call. Roll Call of the Village Board present included:

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

President Frazer noted there is a quorum present.

Also present are Village Attorney Val Andersen, Village Manager Scott Botcher, Public Works Director Scott Brandmeier, North Shore Library Director Susan Draeger-Andersen, 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. Hearing no other public comment, President Frazer closed public comment period.

Trustee Sumner entered at 7:03 p.m.

Committee Reports – Plan Commission

Trustee Fonstad gave a report to village board concerning the Plan Commission review and consideration of the Conditional Use permit for Bina’s Bakery, LLC, D.B.A., Nothing Bundt Cakes located at 383 W Brown Deer Road, Suite 20. Plan Commission recommended approval of the Conditional Use Order with several modifications – one modification for the sale of non-food retail items and a second modification to permit Sunday hours.

Trustee Tirado entered at 7:05 p.m.

Trustee Fonstad gave a report to village board concerning the Plan Commission’s review and consideration of a Certified Survey Map which includes a proposed land combination of two parcels submitted by applicant Ned Brickman and located at 727 East Daisy Lane. The preliminary plat will be accepted as the final plat for the land combination.

Consent Agenda

- a. Approve the minutes of the August 14, 2018 Village Board meeting.

**VILLAGE OF FOX POINT
SPECIAL VILLAGE BOARD MEETING MINUTES
SEPTEMBER 13, 2018**

- b.** Adopt a Resolution Approving of and Authorizing Submittal of a Grant Application to the Bay-Lake Regional Planning Commission for Emerald Ash Borer Funding.
- c.** Accept the proposal of Munson, Inc. in an amount not to exceed \$19,696 for the asphalt reconstruction work for additional Lake Drive manhole repairs and authorize the Village President and Village Clerk/Treasurer to sign the contract per the Director of Public Works' memorandum dated August 29, 2018.
- d.** Grant a Conditional Use Permit to Bina's Bakery, LLC, D.B.A., Nothing Bundt Cakes, 383 W. Brown Deer Road, Suite 20 (A.K.A. Bruegger's Bagel location) and authorize the Village President and Village Clerk/Treasurer to sign the Conditional Use Order.
- e.** Approve the Land Combination and Certified Survey Map submitted by Applicant Ned Brickman for the property located at 727 East Daisy Lane, upon all terms and conditions recommended by the Plan Commission.
- f.** Adopt an Ordinance to repeal and re-create Section 285-20 of the Village of Fox Point Village Code regarding installation and maintenance of culverts.
- g.** Approve Payment of the Bills in the amount of \$1,241,529.06 for the period August 1, 2018 through August 31, 2018 per the report submitted by the Village Manager.

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

Consideration of Ordinance allowing Chickens in the Village of Fox Point

Joe Munski, 6924 N Yates Road

Mr. Munski commented in general there is support for the draft ordinance. He added his suggestions to the Ordinance Related to Keeping of Chickens regarding Section D, Item 4, on the minimum required coop size. Mr. Munski referred to the language of "the covered or enclosed area of 16 square foot minimum per chicken," stating the recommendation or definition should be clarified. The coop itself is where the chickens stay during the evening. It is recommended to provide a two square foot minimum of space for them. The general covered area that the chickens have and an uncovered exposed area called a run. To simplify the ordinance language, the ordinance could state the total chicken enclosure allowed must be 16 square feet minimum per chicken, including the coop, the covered enclosure, as well as the run itself. It is encouraged to have a smaller coop area, especially during the winter to heat the coop.

The Village Board discussed at length the permitting of chickens, as well as the draft ordinance.

Joe Munski, 6924 N Yates Road

Mr. Munski stated the enclosure could be covered by the chicken wire and would be suitable and included in the 8 foot by 8 foot enclosure. In the evenings there needs to be a solid roof, but chickens do not need a 16 x 16 inch enclosure; that is too much. The minimum for the solid roofed enclosure/structure is the two foot square minimum of space per chicken. He recommends using the lenient language that would allow for a chicken-wire covered enclosure or pen.

On motion [Original motion] of President Frazer, seconded by Trustee Ollman, the Village Board adopt the Chicken Keeping Ordinance in the Village of Fox Point as set forth beginning on page 50 of the agenda packet with the following modifications:

- 1) Page 1, the 5th Whereas clause, strike the language "on a trial basis"

**VILLAGE OF FOX POINT
SPECIAL VILLAGE BOARD MEETING MINUTES
SEPTEMBER 13, 2018**

- 2) *Section Three D.(5) as it appears on page 3, strike the language “after shall require a permit and Building Board approval” and replace it with “Village Manager approval.” Insert a new sentence: The Village Manager shall apply the criteria set forth in Village Ordinance 745-20 B.(2)(a) through 745-20 B.(2)(d)” —the four standards or criteria that will be applied.*
- 3) *Section Three D.(10), strike the language “unless specifically permitted pursuant to applicable zoning regulations”*
- 4) *Section Four, JJ., Chicken permit application fee, insert the fee of \$100.00 and in KK., chicken permit fee annual, insert the fee of \$25.00 per year*

On amended motion [Amendment #1] of Trustee Tirado, seconded by Trustee Ollman, Section Three C.(4) is modified to insert language from the Village Manager’s memo dated September 6, 2018: the applicant would make a request [for application approval] and following that the manager sends a notice to every adjacent property owner. If there are no objections the permit is deemed accepted. If there is an objection, there will be public hearing before the Plan Commission and the Plan Commission would either approve or deny the request by applying the four standards set forth in Village Ordinance 745-20 B.(2)(a) through 745-20 B.(2)(d). An aggrieved party could then appeal the determination to the Board of Appeals.

On an amended motion [Amendment #2] to amendment #1 of Trustee Fonstad, seconded by Trustee Kravit, Section Three C.(4) is further modified by inserting after the phrase “If there are no objections,” the clause “and the application otherwise meets the requirements of this ordinance.”

Amended motion #2 carries, 6-1 (Trustee Symchych-opposed).

Without objection, by unanimous consent the village board agreed to include language for a 30-day written objection period from the date of the mailing notice (certified and regular mail), and to add “Village Manager and his/her designee” as appropriate.

Original motion, as amended [Including Amendment #1 and Amendment #2 and unanimous consent items] carries 6-1 (Trustee Symchych-opposed).

Consideration of Live Streaming of Village Board Meetings

Village Manager Scott Botcher gave a brief background in regard to his Village Board memo dated September 4, 2018.

Trustee Ollman moves to table this agenda item until next month’s meeting so community members can attend and be heard after further researching live streaming. Motion fails 2-5 (Nay-President Frazer, Trustee Fonstad, Trustee Symchych, Trustee Sumner, Trustee Kravit)

Without objection and by consensus, there is no action on live streaming.

Resolution to Close Loopholes that Shift a Greater Property Tax Burden from Commercial to Residential Homeowners

On motion of Trustee Tirado, seconded by Trustee Symchych, and carried unanimously, the Village Board adopts the Resolution to Close Loopholes that Shift a Greater Property Tax Burden from Commercial to Residential Homeowners.

**VILLAGE OF FOX POINT
SPECIAL VILLAGE BOARD MEETING MINUTES
SEPTEMBER 13, 2018**

Future Agenda Items

On motion of Trustee Kravit, Seconded by Trustee Fonstad, and carried unanimously, the Village Board requested staff to give a status report regarding Indian Creek related matters.

Announcements

Village President Frazer reported Village of Fox Point will be hosting the I.C.C. meeting with all the other municipalities on October 8, 2018 at 1:00 p.m. in Schwemer Hall. President Frazer congratulated Trustee Sumner on her victory in the August 14, 2018 Partisan Primary election for the Assembly District 23 seat, and wished her good luck in the Fall General Election.

Trustee Fonstad reported North Shore Library Director Susan Draeger-Anderson will be making a presentation at the next Village Board meeting.

Trustee Tirado reported at the most recent Pool Committee meeting further progress has been made: the Pool Committee sent out an RFQ to at least half a dozen pool engineering firms. The response deadline is next week Friday. The Pool Committee will meet at the end of the month to review the RFQs and proceed with making a recommendation to the Village Board.

Adjourn

On motion of Trustee Sumner, seconded by Trustee Tirado, and carried unanimously, the Village Board adjourned the Village Board meeting at 8:30 p.m.

Respectfully submitted,



*Kelly A. Meyer, CMC/WCMC
Village Clerk Treasurer*