

**VILLAGE OF FOX POINT
JOINT BUILDING BOARD AND
PLAN COMMISSION MEETING MINUTES
AUGUST 3, 2020**

A meeting of the Fox Point Plan Commission was held on Monday, August 3, 2020 by in-person appearance and via telephonic and video conferencing through Zoom at, 7200 N. Santa Monica Blvd.. Chairman Frazer called the meeting to order at 5:45 p.m. and noted there was a quorum of Plan Commission and Building Board members present.

The Plan Commission and Building Board roll call was taken by Deputy Clerk Treasurer, Jeanne O'Brien:

Plan Commission: President Douglas H. Frazer, Chairman
Eric Fonstad, Commissioner (via Zoom)
John Crichton, Commissioner
Scott Yauck, Commissioner (via Zoom)
Jay Craig, Commissioner (via Zoom)
William Langhoff, Commissioner

Absent: Carol Wilkins, Commissioner

Building Board: Lori Rosenthal, Building Board Member
Jeff Weber, Building Board Member (via Zoom)
Kristen Dufek, Building Board Member (via Zoom)
Matt Amman, Building Board Member (via Zoom)

Absent: Jason Racinowski, Building Board Member

Staff present included Village Manager, Scott Botcher, and Village Attorney, Eric Larson (via Zoom). Also present was Deputy Clerk Treasurer, Jeanne O'Brien.

Notice of the meeting was provided to the North Shore Now as necessary, 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).

Approval of the Minutes of the June 1, 2020 Plan Commission Meeting

Mr. Craig noted a correction need be made to lines 119 and 120. Mr. Crichton's response to the motion on line 119 should be listed as yes, and his response to the motion on line 120 should be reflected as no.

On motion of President Frazer, seconded by Trustee Fonstad, and carried unanimously by roll call vote (President Frazer, yes; Commissioner Fonstad, yes; Commissioner Crichton, yes; Commissioner Yauck, yes; Commissioner Craig, yes; and Commissioner Langhoff, yes), the Commission approved the minutes of the June 1, 2020 Plan Commission meeting, as corrected.

- 1. Review and possible recommendation to Village Board RE:** The Building Board and Plan Commission will discuss, and the Plan Commission may make a recommendation to the Village Board concerning the proposed installation of an art sculpture, entitled **Little Dancer, Aged Fourteen** by Richard Edelman, proposed to be located on Village Property either at N. Lake Drive

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50 and N. Bell Road (southwest corner) or N. Lake Drive and E. Bradley Road (southwest corner), in
51 the Village of Fox Point, per Section 745-20 B.(2) of the Village Code.

52
53 President Frazer introduced new Building Board members present, as they were not at the June 1, 2020
54 joint meeting regarding this matter. Ms. Dufek stated she is a 14-year Fox Point resident and works for
55 an architectural firm, having 25 years' experience. She is licensed in 18 states and glad to be part of
56 this team. Ms. Rosenthal stated she is a 5-year Fox Point resident, and is a structural engineer with
57 Graef, having 26 years of experience, and is happy to be here.

58
59 President Frazer stated he emailed all members an order of business, and if he hears no objection, he
60 will refer to it. No objections were heard.

61
62 Attorney Larson was asked to comment on why this matter is being considered. He referenced his email
63 to President Frazer of July 31, 2020, emphasizing "Unless such report is made within 30 days, or such
64 longer period as may be stipulated by the common council, the council, or other public body or officer,
65 may take final action without it." He also referenced Section 745-20 of the Village Code, which states
66 in part, "After such study and joint meeting, the Plan Commission shall make its report to the Village
67 Board, emphasis on "shall". Standards to be applied are:

- 68
69 (a) Appropriate in the location proposed;
70 (b) Compatible with the neighborhood;
71 (c) Not detrimental to the property values of surrounding property; and
72 (d) In keeping with the residential character and quality of the Village.

73
74 Artist, Richard Edelman, was present. He gave his background and what has occurred with respect to
75 this sculpture to date. He is open to any questions the Commissioners or audience may have.

76
77 Michael West, 7414 N Seneca Road, stated he was on the building board at the June meeting, but the
78 board members did not make any comments. He was concerned about the location of the sculpture.
79 After touring with the artist, he agrees the artist was correct in the locations chosen. He asked the Plan
80 Commission to refer favorably to the Village Board.

81
82 There were no citizen comments in person on this matter.

83
84 The Board then discussed this item. Commissioner Langhoff asked for clarification, as he is new to the
85 Plan Commission, if the first meeting on this matter was in June, and how much opportunity and what
86 type of forum was there for residents to share their thoughts? Was there a public hearing?

87
88 President Frazer stated that several meetings were held, agendas were published and posted. The
89 matter was brought to the Plan Commission in March, the Village Board in April, the joint Plan
90 Commission and Building Board in June, and this meeting. Six residents have written to him in support
91 of the sculpture. Residents can still express their opinions via phone, in person, emailing, etc. The
92 meetings were held via in person meetings and via zoom, giving people the opportunity to express
93 themselves, via video/audio as well. If the Plan Commission recommends to the Village Board, an official
94 public hearing will be held. The public will have had five opportunities to participate.

95
96 Attorney Larson stated that the Village Code does describe that after the Plan Commission makes a
97 recommendation, a public hearing is to be scheduled, most likely for the August 11th meeting. This
98 Commission is being asked to advise whether the standards of the code are met by the request.

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Commissioner Crichton stated he made comments at the last meeting as to the sculpture being dignified and he has no qualms with the artist's resume. He does not care for the Lake Drive sites, as he can't envision the artwork there. He prefers the parkway remain as is.

Lori Rosenthal supports the gracious gift of the piece and feels it would be a beautiful addition on Lake Drive. She feels art brings joy and beauty to our neighborhoods. We have the opportunity to bring this joy, and this is an incredible opportunity.

Eric Fonstad stated that there was talk of the artist preparing a model to help visualize this structure at the proposed locations. Mr. Edelman stated that to clarify, it is expensive to create 3D models, which are difficult to show in an effective way. He suggested the members look at the photos presented, as they reflect well how the sculpture will stand. The sculpture is 15' tall. That is shorter than the trees in the area.

Fonstad is concerned about the sculpture on Lake Drive, as it is the most visible part of Fox Point. This is a bold, bright piece of work and seems out of character in the semi-rural nature of Fox Point. It would be a departure on what exists there now, and he does not see the need to have this on public property. For the Plan Commission to recommend to the Village Board this sculpture be placed, the Plan Commission must consider the standards outlined as to the location. In his opinion, these two locations do not meet the criteria.

Ms. Dufek commented in favor of the public art and stated everyone has an opinion. This is robust art being offered by an artist who is willing to share and provide for the costs involved. She feels it would strengthen the community.

There were concerns stated that this will create a precedent for other artists; does this put the Village in a position to judge artwork in the future?

President Frazer stated it is difficult to judge artwork, as well as the sites suggested. This is to be a 3-year loan, but could be cancelled with written notice. The locations are to be considered as to the ordinance criteria.

After lengthy discussion on the locations proposed, President Frazer made a motion, it was seconded by Jay Craig, to recommend positively to the Village Board the acceptance of the siting of the sculpture at Lake & Bradley or Lake & Bell, with the Plan Commission finding either site acceptable, with the location being appropriate in the location proposed, compatible with the neighborhood, not detrimental to the property values of surrounding property, and in keeping with the residential character of the Village.

Further discussion ensued. Eric Fonstad does not agree it meets the criteria of the Statutes and Village Code. After more consideration of the sites meeting the criteria outlined, the motion was called.

*On motion of President Frazer, seconded by Commissioner Craig, and taken by roll call vote, with yes being to advance with a positive recommendation to the Village Board as to the sites considered for the art sculpture, the roll call vote was taken (President Frazer, yes; Commissioner Fonstad, no; Commissioner Crichton, yes; Commissioner Yauck, no; Commissioner Craig, no; and Commissioner Langhoff, no), the Plan Commission recommends to the Village Board the proposed installation of an art sculpture, entitled **Little Dancer, Aged Fourteen** by Richard Edelman, proposed to be located on Village Property either at N. Lake Drive and N. Bell Road (southwest corner) or N. Lake Drive and*

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E. Bradley Road (southwest corner), in the Village of Fox Point, per Section 745-20 B.(2) of the Village Code. Motion failed 2-4.

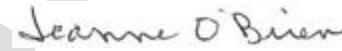
A second motion was considered:

*On motion of President Frazer, seconded by Commissioner Craig, and taken by roll call vote, with yes being to advance with no recommendation to the Village Board as to the sites considered for the art sculpture, a roll call vote was taken (President Frazer, yes; Commissioner Fonstad, yes; Commissioner Crichton, yes; Commissioner Yauck, yes; Commissioner Craig, yes; and Commissioner Langhoff, yes), for the proposed installation of an art sculpture, entitled **Little Dancer, Aged Fourteen** by Richard Edelman, proposed to be located on Village Property either at N. Lake Drive and N. Bell Road (southwest corner) or N. Lake Drive and E. Bradley Road (southwest corner), in the Village of Fox Point, per Section 745-20 B.(2) of the Village Code. Motion carried unanimously.*

Adjourn

On motion of Commissioner Crichton, seconded by Commissioner Yauck, and carried unanimously by roll call vote (President Frazer, yes; Commissioner Fonstad, yes; Commissioner Crichton, yes; Commissioner Yauck, yes; Commissioner Craig, yes; and Commissioner Langhoff, yes), the Joint Building Board and Plan Commission meeting adjourned at 6:47 p.m.

Respectfully Submitted,


Jeanne O'Brien
Deputy Clerk/Treasurer