VILLAGE OF FOX POINT
VILLAGE BOARD MEETING
APRIL 8, 2014

A meeting of the Fox Point Village Board was held on April 8, 2014 in Schwemer Hall, 7200 N. Santa Monica Blvd., beginning at 7:00 p.m. Members of the Village Board present included:

Village President Michael A. West
Trustee Bill Warner
Trustee Eric Fonstad
Trustee Beverly Bell
Trustee F.R. Dengel III
Trustee Douglas H. Frazer
Trustee Christine Symchych

Also present were Village Manager Melissa Bohse, Village Clerk Tanya O'Malley, and Village Attorney Eric Larson.

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 boards.

President West recognized Trustee Warner for his twelve years of dedicated service to the Village and stated that this was Trustee Warner's last meeting.

Persons desiring to be heard

Ms. Bethany Canfield, 7465 N Lombardy Road, in response to an article in the Fox Point of View regarding the recycling and waste collection, stated her concerns with changing to curbside service, including safety and blowing garbage. She suggested that a better alternative to consider was collecting recycling every other week. She stated that it would be a tragedy to relocate the Mary Nohl house. She also suggested that the Village consider an electronic newsletter to better disseminate information.

Mr. Robert Palmer, 6711 N Holly Court, stated that he was opposed to curbside pickup of garbage and recycling, which may lead to containers being left out over long weekends. He stated that it was worth the cost to him to be able to maintain up the drive service. He urged the Board to stay with the current service.

Mr. Matt Weinberg, 1531 E Goodrich, and Attorney Adam Bazelon, addressed the Board regarding an Assessment issue and requested that the Board address the issue so that the taxes would be adjusted appropriately. Attorney Bazelon distributed a letter written by the Assessor to the Treasurer.

Ms. Louise Petering, 7229 N Santa Monica Boulevard, stated that she appreciated knowledge that the Village's very capable staff was working during the times of snow, extreme cold, and water main breaks during the winter. She expressed her gratitude and requested that the Village Board also express thanks to the staff.

Conditional Use Permit: Chinda Nails Spa, LLC, d/b/a Nhi-Le Nails, 6924 N. Santa Monica Blvd., Fox Point Shops (Change in Ownership)

President West reported that the Plan Commission unanimously referred the matter for approval.

Consent Agenda

a. Approve the Minutes of the March 11, 2014 Village Board meeting as drafted March 17, 2014

b. Grant a Conditional Use Permit to Chinda Nails Spa, LLC, d/b/a Nhi-Le Nails, 6924 N. Santa Monica Blvd., Fox Point Shops and authorize the Village President and Village Clerk to sign the Conditional Use Order

c. Accept the quote of First Choice Tree Care, Inc. in an amount not to exceed $20,000 for the removal of diseased Elm trees and authorize the Village Manager to sign the purchase orders per the Village Forester's memo dated March 27, 2014

d. Accept the quote of Crawford Tree and Landscape in an amount not to exceed $7,500 for the treatment of Ash trees in the Village and authorize the Village Manager to sign the purchase orders per the Village Forester's memo dated April 1, 2014

e. Accept the bid from Western Contractors, Inc. in the amount of $119,525 for the storm water drainage improvement project between Regent Court and Point Drive and along Fox Lane and authorize the Village President and Village Clerk to sign the contract per the Director of Public Works' memo dated March 25, 2014

f. Accept the proposal from Kapur & Associates in the amount of $15,254 for inspection services associated with the storm water drainage improvement project between Regent Court and Point Drive and along Fox Lane and authorize the Village President and Village Clerk to sign the contract per the Director of Public Works' memo dated March 25, 2014

g. Accept the bid of Terra Engineering and Construction in the amount of $93,502 for the 2014 Sanitary Sewer Rehabilitation Project and authorize the Village President and Village Clerk to sign the contract per the Director of Public Works' memo dated April 1, 2014

h. Accept the proposal of Kapur & Associates in the amount of $11,180 for inspection services associated with the 2014 Sanitary Sewer Rehabilitation Project and authorize the Village President and Village Clerk to sign the contract per the Director of Public Works' memo dated April 1, 2014

i. Approve the request of the Jewish Community Center to use Village streets on May 6, 2014 for the Walk for Israel per the Village Clerk's memo dated April 3, 2014

j. Approve the tentative agreement between the Village of Fox Point and the Fox Point Professional Policemen's Association, Local #309 and as presented in the Village Manager's memo dated April 4, 2014 and authorize the Village President and Village Clerk to sign the agreement

k. Adopt the Resolution Approving the Metro Milwaukee Fire/Emergency Services Mutual Aid Agreement per the Village Manager's memo dated April 4, 2014

l. Adopt the Ordinance to Update and Amend Chapter 40 of the Village of Fox Point Village Code Related to Fees for Fire Department Services, Swimming Pool Use, Baseball Field Use, Home Occupation Applications and Copy Fees for Audio or Video Recordings per the Assistant to the Village Manager's memo dated April 3, 3014

m. Approve Payment of the Bills in the amount of $852,101.46 for the period March 1, 2014 through March 31, 2014 per the report submitted by the Village Manager

On motion of Trustee Warner, seconded by Trustee Bell, and carried unanimously, the Board adopted the Consent Agenda as noticed.

Consideration and Possible Action Regarding the Bridge Lane Ravine Footbridge

Ms. Barbara Schwartz, Footbridge Friends, President, announced that support for the project remained strong and that the group had received a total of $515,000 in donations and pledges. She stated that the amount covered half of the construction costs, half of the inspection costs, and repayment of the $30,000 loan from the Village. She recognized the efforts of the many participants in Footbridge Friends, the Village Board, and the 400 plus contributors. She explained that a model had been created for future public/private partnerships. She stated that she expected the Board to act decisively by voting to proceed with the construction of a new footbridge. She explained that the group was committed to collecting the funds that had been pledged.

Ms. Carol Lewensohn, 235 W Dean Road, stated that she has used the bridge for 54 years and that it was important to the Village and the North Shore. She explained that it was a connection up and down the corridor, that it represented a link between people, and that it enhanced property values. She urged the Board to vote to approve the project.

Mr. Leonard Lewensohn, 235 W Dean Road, stated that the bridge was part of Fox Point and that it was the Village's duty to continue this part. He explained that to make Fox Point a meaningful Village, the bridge should be built.

Mr. Mark Taylor, 240 Maple Court, Lake Forest, Illinois, stated that he grew up on Club Circle and that his family had contributed to the project. He explained that he wanted to impart his passion and his family's values in seeing that the project goes forward.

Mr. Robert Palmer, 6711 N Holly Court, thanked the Board members for their service. He stated that as a taxpayer, he was concerned about the numbers for the bridge. He explained that of the 5,000 registered voters, 4,600 of them had not weighed in on the issue and that the matter should be taken to the voters at the November Election. He stated that lifecycle costs, including liability, had not been presented.

Mr. Barry Zuckerman, 8011 N Whitney Road, stated that he had lived in Fox Point for 10 years and had not seen the bridge because there was not any parking and he had a walking disability. He stated that the agreement indicated that the Friends would provide not less than $625,000. He explained that the number of people that donated was well under 10% of the Fox Point population. He told the Board members that given the lack of support for the bridge, if they voted for the bridge, they did not represent the Village.

Ms. Eve Sylvester, 7536 N Seneca Road, commended the Friends on their efforts but stated that the project should not happen without a referendum. She explained that the Village was obligated to find out what the people think.

Mr. Jack Douthitt, 7026 N Lake Drive, stated that he moved to Fox Point because of the quality of life. He stated that the bridge was an important part of the quality of life in Fox Point and a way to connect with nature. He stated that the Trustees were elected to represent the residents and that the Village could not do everything by referendum.

Ms. Linda Sampson, 7000 N Barnett Lane, stated that the Village asked the Friends to raise money to pay for half of the project and that the Friends had reached that goal. She stated that the bridge was special, was a destination, and fit in with the Village's Comprehensive Plan. She explained that the bridge had historical significance, added to the quality of life, provided safety for pedestrians and bicyclists, and added to the property values.

Ms. Maureen Daly, 7100 N Lake Drive, stated that Footbridge Friends had done its part and received gifts from a diverse group of people. She stated that they wanted to rebuild an amenity that made Fox Point special. She explained that if the Board chose not to move forward with the project, the trust would be destroyed.

Ms. Kristen Carter, 425 W Willow Court #132, stated that she supported reconstruction of the bridge. She explained that if the Village took every project to a referendum, that nothing would get done. She stated that the bridge provided value to the quality of life and to the property values. She urged the Board to move forward.

Ms. Louise Petering, 7229 N Santa Monica Blvd, stated that she supported replacement of the bridge. She explained that it was a unique feature of the Village and that the Board must invest in the community. She encouraged the Board to vote in favor of the bridge.

Ms. Barbara Fuldner, 7764 N Club Circle, stated that she had been a resident for 36 years and that she was in favor of the new bridge. She explained that the bridge had been an important part of her family's life. She stated that the Village had made an agreement with the Friends and that there would be future trust issues if the project was defeated.

Mr. Jim McNulty, 7240 N Barnett Lane, stated that the bridge was a tremendous resource and that it was a remarkable experience to look over the ravine to the lake in the autumn. He stated that a lot of people had worked very hard on the project and that the partnership had been one of good faith. He stated that the Village should move forward with a new bridge.

Mr. William Kravit, 7230 N Longacre Road, congratulated the Footbridge Friends on their hard work and suggested that more support will be shown when the Village decided to move forward. He stated that the bridge was magnificent.

Mr. David Goelzer, 7307 N Bridge Lane, asked the Board to support the bridge, to adopt the Resolution, and to follow through on the commitment that was made two years ago. He explained that the Friends had raised the money that the Village charged it to raise. He stated that the bridge was important and that a case could be made that it should be paid for entirely by the Village. He explained that the tax impact on any taxpayer was quite small.

Mr. Marty Tirado, 7627 N Lake Drive, stated that everyone enjoyed the bridge but that it came down to a matter of cost. He explained that the Friends had not raised half of the cost and had not come up with $625,000 in cash as required by the agreement. He stated that residents did not support public financing. He explained that the bridge was not inherent to the quality of life and that it was a novelty, not a necessity.

Mr. Tony Pecoraro, 7540 N Links Way, stated that the bridge had been a polarizing issue for more than four years. He explained that there had just been a Village election and that people voted for what they believed in. He stated that based on the amount of votes the write-in candidate had received, there was not overwhelming opposition to the bridge.

Mr. Andy Gronik, 7124 N Beach Drive, stated that he would be happy to show the bridge to anyone who wanted to see it. He stated that it was an extraordinary, beautiful part of Fox Point.

Mr. Bob Cory, 7740 N Santa Monica Boulevard, stated that the bridge was redundant to Doctor's Park and the Nature Center. He explained that he was concerned about the words "promises" and "pledges" located in the agreement and Resolution. He stated that there was no muscle to the documents that the Village would have to cover the costs if the fundraisers failed.

Mr. Larry Booth, 220E Clovernook Lane, stated that the amount being discussed was not 50% of the bridge. He stated that the cost, including consultants, engineering, etc., would be $1.7 million and that the Friends would only be paying 30% of the true cost of the bridge. He stated that all of the risk and 70% of the cost was on the taxpayer. He stated that the Board represented the taxpayers and not special interests, and that the Board was obligated to the taxpayers.

Ms. Elizabeth Aelion, 210 W Bergen Court, stated that from a legal perspective, she did not understand how the Village could consider the Resolution and agreement. She explained that there was no guarantee that the funds would be produced and that there were no provisions for any cost overruns, which should be split 50/50. She stated that the Village needed to set priorities and determined what it could and could not afford.

Ms. Lisa Dietz, 7039 N Belmont Lane, stated that it was not unusual with capital campaigns to have commitments and that many projects go forward before all of the money had been collected. She stated that she was in favor of the bridge and that the cost to each taxpayer was very low.

Trustee Frazer made a motion to Adopt Resolution Number 2014-10, as presented, and further to approve the agreement between Footbridge Friends, Inc. and the Village as presented and to authorize signatures of the Village President and Village Clerk; and further to accept the bid of Janke General Contractors for the construction of the new bridge lane ravine footbridge in the base amount of $876,496.85, subject to satisfaction of the project approval contingencies shown in paragraph 5 of such Resolution, and upon such satisfaction, to authorize signatures of the Village President and Village Clerk to the associated contract with Janke General Contractors.

Trustee Fonstad seconded the motion.

President West asked for unanimous consent to amend the motion to amend both the Agreement and Resolution to add "provided that any funds paid in excess of the amounts specified when due shall reduce the obligation for the next payment to come due dollar for dollar" to the sections regarding Payment Schedule. Without objection, the motion was amended.

With Trustee Frazer, Bell, Fonstad, Dengel, and Symchych and President West voting aye, and Trustee Warner voting nay, the amended motion carried.

Future Agenda Items - None

Announcements

President West reiterated his comments at previous meetings and Ms. Petering's comments from earlier in the meeting and thanked the DPW workers, Police Officers, and Firefighters, who worked under very bad conditions. He also thanked Trustee Warner for his service.

Trustee Warner thanked President West for his comments.

Trustee Bell announced that the 2014 Arbor Day Celebration had been scheduled for April 25, at 3:45 p.m. at the park on the south side of Stormonth School. She also announced that the Migratory Bird Day had been scheduled for May 3, at 8:00 a.m. at Doctor's Park.

Closed Session

President West announced that Village Labor Counsel would also be participating in the Closed Session.

On motion of Trustee Bell, seconded by Trustee Symchych, with all members voting aye, the Board convened into Closed Session at 9:45 p.m. pursuant to State Statutes 19.85(1)(g), to confer with legal counsel who is rendering oral or written advice concerning strategy to be adopted with respect to litigation in which it is or is likely to become involved regarding a former employee and a Wisconsin Statutes Section 66.191(1981), Surviving Spouse Benefit and pursuant to State Statutes 19.85(1)(c) to consider employment, promotion, compensation or performance evaluation data of any public employee over which the Village Board has jurisdiction or exercises authority, more specifically, to discuss employee compensation related to non-represented contractual employees.

Reconvene and Possible Action on Closed Session Items

On motion of Trustee Frazer, seconded by Trustee Bell, and carried unanimously, the Board reconvened into Open Session at 11:14 p.m.

Adjourn

On motion of Trustee Warner, seconded by Trustee Bell, and carried unanimously, the Board adjourned at 11:15 p.m.

Respectfully submitted,

Tanya O'Malley, WCMC
Village Clerk/Treasurer