VILLAGE OF FOX POINT
VILLAGE BOARD PUBLIC HEARING AND MEETING
OCTOBER 13, 2015

A meeting of the Fox Point Village Board was held on October 13, 2015 in Schwemer Hall, 7200 N. Santa Monica Blvd., beginning at 7:00 p.m. President West noted we are working from an amended agenda; there are some substituted documents for the consent agenda items 5b, 5d, and 5h and materials for agenda item 7a. President West also commented there is a quorum; all 7 trustees are present. Without objection roll call will be suspended; no objection was heard.

Members of the Village Board present included:

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

Also present were Village Manager Scott Botcher, Assistant Village Manager Michael Pedersen, Village Clerk/Treasurer Kelly Meyer, 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.

Persons Desiring To Be Heard

Scott Silverson, 8305 N Links Way

Mr. Silverson noted his support on continuing footpath study.

Mike O'Connor, 6913 N View Place

Mr. O'Connor commented on the petition recently signed by a number of residents in support of reestablishing steps down to the lake at Green Tree Road and a switchback from the bridge going down to Beach Drive and potentially N Beach Drive to Green Tree steps. (Documents and letters were distributed for record to Village Board)

Gary Hollander, 6807 N Lake Dr.

Mr. Hollander stated his concerns on pedestrian safety and risk management due to recent cross walk incidents. Mr. Hollander identified 5 specific measures to be taken at this time to aid in safety and risk management; the specific measures were submitted for record and distribution to the Police Department and Village Board. (Mr. Hollander's letter was submitted for record to Village Board)

John Van Uxem, 8325 N Greenvale Road

Mr. John Van Uxem commented on the future of 8315 N Greenvale Road to suggest a future agenda item for November Village Board meeting for consideration in regard to the development of the lot and storm water management concerns.

Bob Cory, 7740 Santa Monica Blvd

Mr. Cory conveyed his concerns in regard to the burn-off and poisoning that was to occur in Fall for the Indian Creek passageway overgrowth, which inhibits rainfall and overflows. President West directed Village Manager Scott Botcher is to follow up.

Public Hearing – Proposed revisions to repeal and recreate Sections 745-23(C)(4)(a)(3) and 745-23(C)(4)(a)(4) of the Village of Fox Point Code Chapter 745.

On motion of Trustee Fonstad, seconded by Trustee Symchych, and carried unanimously, the Village Board opened the Public Hearing at 7:18 p.m.

Village Attorney Eric Larson gave a brief report of the public hearing in regard to municipal code changes and State Statutes law and requirements in regard to the proposed ordinance revisions.

Louise Petering, 7229 N Santa Monica Blvd

Mrs. Petering noted her concern for the State Statutes usurping the local governing ordinances the potential collapse of the telecommunications tower.

Julie Caulfield, 7120 N Yates Rd

Ms. Caulfield spoke on her concerns on the telecommunications tower being just blocks from her new home and about potential health issues.

Mary Wong, 7122 Longacre Road

Ms. Wong noted her concern that the State Legislature overrides the municipality authority.

David Petering, 7229 N Santa Monica Blvd

Mr. Petering identified his concerns regarding the telecommunications tower location, possible health effects and plausible adverse property values. He noted his support in challenging the State Laws.

Village Attorney Eric Larson commented on the timing limitations that the village has to consider, act on this application and consequences of deferring action. He noted the village has to grant them approval or denial within 90 days of the date of their application or it is deemed approved.

Director of Public Works Scott Brandmeier noted as of August 31, 2015 was noted as the date of completion for the application.

Elizabeth Aelion, 210 W Bergen Court

Ms. Aelion noted her concern in regard to the location, health effects, and indicated her support in challenging the approval of the telecommunications tower.

Jason Crowley, 7110 N Longacre Rd.

Mr. Crowley reported he will be directly across the street from the proposed cell tower, and has his concerns declining property values. He noted his opposition to the cell tower.

Julie Caulfield, 7120 N Yates Rd.

Ms. Caulfield inquired on assessed property value and tax deductions within the levy for those residents in the area of the telecommunication tower.

Barbara Zaharris, 7137 N Santa Monica Blvd.

Ms. Zaharris inquired on the type of tower and the company proposing the tower and how the applicant came to the village.

Jason Crowley, 7110 N Longacre Rd.

Inquired on a hearing for a different legislative body in regard to the telecommunication tower and recourse.

Louise Petering, 7229 N Santa Monica Blvd

Asked for clarification on the proposed amendments to Ordinance 745-23 and its relation to the Conditional Use Order.

Attorney Larson explained the proposed amendments to the ordinance and its relation to the Conditional Use Order.

Mary Wong, 7122 Longacre Road

Inquired on the proposed Telecommunication Tower coverage area and asked for clarification, inquiring whether the company was State owned or privately owned and benefits of the tower.

On motion of Trustee Symchych, seconded by Trustee Fonstad, and carried unanimously, the Village Board closed the Public Hearing at 8:18 p.m.

On motion of President West, seconded by Trustee Fonstad, the Village Board approved the proposed revisions to repeal and recreate Sections 745-23(C)(4)(a)(3) and 745-23(C)(4)(a)(4) of the Village of Fox Point Code Chapter 745.

The Board of Trustees deliberated.

Motion passed 6-1 (Trustee Sumner-Nay).

Public Hearing – Telecommunications Tower, 7200 North Santa Monica Boulevard, Proposed Conditional Use

On motion of Trustee Fonstad, seconded by Trustee Frazer, and carried unanimously, the Village Board opened the Public Hearing at 8:27 p.m.

President West gave a brief background of the public hearing in regard to the proposed Conditional Use.

Derek McGrew, Representative of Parallel Infrastructure and T-Mobile USA, 103 Wilshire Court, Indiana

Mr. McGrew on behalf of PI Telecom Infrastructure T, LLC, was present to provide information, clarification and answer questions. He noted the Federal Aviation did determine no aviation lights will be necessary on the proposed Telecommunications Tower structure and noted the proposed location on village property. Mr. McGrew gave background, remarks and addressed concerns on the proposed tower.

Mr. McGrew noted the following points with regard to resident concerns, cell tower are built to be collapsible, health effects information at the neighborhood information meeting was provided by the American Cancer Society and the neighborhood information meeting property values quote was provided by a licensed appraiser. He commented, small cells are not a macro solution; they do not cover a large area. Mr. McGrew explained the reason for the proposed location, coverage area and the new aesthetics of towers. The whole structure has been agreed upon to be painted white.

Trustee Tirado inquired on the height of the tower and the location on the site plan.

Trustee Fonstad, inquired on the noise level, which was explained to be the approximate noise of a residential air conditioner.

Village Attorney Eric Larson explained the terms in the Conditional Use Order document.

David Petering, 7229 N Santa Monica Blvd

Mr. Petering noted his concerns about buying into 20th century technology instead of 21st century technology, declining property values with regard to armed towers, cancer and health issues, and residents with a half to three quarters of a mile within the tower.

Bob Cory, 7740 Santa Monica Blvd

Mr. Cory noted his concerns with State Legislators, contact with the State Representatives, potential rent from the telecommunication company and the continuation as a prestigious village.

Louise Petering, 7229 N Santa Monica Blvd

Mrs. Petering asked for clarification in the conditional use order, co-locaters process, abandonment, ground lease agreement availability for public view, and existing coverage - those serviced now and to those to be serviced.

Julie Caulfield, 7120 N Yates Rd.

Ms. Caulfield inquired on the number of T-Mobile customers in the area.

Mary Wong, 7122 Longacre Road

Mary Wong-Looking for experts to speak on cell towers becoming obsolete, outdated. Suggested it may benefit the Village of Fox Point to look into new technology.

Derek McGrew, Representative of Parallel Infrastructure and T-Mobile USA, 103 Wilshire Court, Indiana

Mr. McGrew answered questions as requested directed by President West. He noted the motivation for the application is typically due to dropped calls, customer complaints or known areas with no coverage. According to the current and proposed coverage map that was previously provided at the information meeting, includes both the existing and proposed coverage as the best estimate. As technology changes, adjustments will be made by Parallel Infrastructure, as of current this is the technology the company has to work with.

David Petering, 7229 N Santa Monica Blvd

Mr. Petering inquired on who has T-Mobile in the area and discussed competition between carrier companies.

Derek McGrew

Mr. McGrew answered a few more questions regarding coverage.

Louise Petering

Mrs. Petering inquired on the Conditional Use Order language and was answered by Village Attorney Larson.

Jack Douthitt, 7026 N Lake Drive

Mr. Douthitt concerns for Applicant to justify the need for the telecommunications tower, adequacy of the tower coverage and concern about setting a precedence by approval.

Elizabeth Aelion, 210 W Bergen Court

Ms. Aelion noted her concern in regard to setting a precedence and support of contesting.

Jason Crowley, 7110 N Longacre Rd.

Mr. Crowley offered support in contesting and noted concerns that it is a residential area.

Louise Petering

Mrs. Petering requested the Village Board consider denial and suggested a public/private enterprise to contest.

On motion of Trustee Tirado, seconded by Trustee Symchych, and carried unanimously, the Village Board closed the Public Hearing at 9:27 p.m.

Attorney Larson read State Legislation in regard to telecommunications towers to those present.

On motion of Trustee Frazer, seconded by Trustee Fonstad, the Village Board approved the proposed conditional use permit application of PI Telecom Infrastructure T, LLC at the department of public works yard and pool parking lot located at 7200 N Santa Monica Boulevard.

Comments followed by Trustee Fonstad, Trustee Frazer, Trustee Tirado, Trustee McGauren, and President West.

President West called for a vote on the motion to approve the conditional use order stating without objection the motion is amended to authorize signatures.

Motion carried, 5-2 (Trustee Tirado and Trustee Sumner- Nay).

Committee Reports – Joint Plan Commission and Building Board
F-Institutional District: Telecommunications Facilities at 7200 North Santa Monica Blvd

President West noted at Plan Commission this item was tabled and will not go forward, because it is now rendered moot by the change in the Village of Fox Point zoning ordinance.

Consent Agenda (5a-5n)

a. Approve the Minutes of the July 2, 2015 Special Village Board Meeting as drafted July 6, 2015.

c. Approve the Minutes of the August 11, 2015 Village Board Meeting as drafted August 13, 2015.

d. Approve the Minutes of the September 8, 2015 Village Board meeting as drafted September 10, 2015.

e. Approve the Minutes of the September 24, 2015 Special Village Board Meeting as drafted September 25, 2015.

h. Approve the proposed agreement between the Village of Fox Point and Stippich, Selin & Cain, LLC for municipal prosecutorial services for municipal court.

i. Accept Change Order No. 1 of Kapur & Associates, Inc. in the amount of $14,818 for additional sanitary sewer lateral televising related to the 2015 Sanitary Sewer Infiltration and Inflow Investigation in Basin No. 3 and authorize the Village President and Village Clerk/Treasurer to sign the contract per the Director of Public Works' memorandum dated October 5, 2015.

j. Accept Change Order No. 1 of WSO Grading & Excavating, LLC in the amount of $1,417.95 for additional removal and repair activities performed at 7900 North Beach Drive and authorize the Village President and Village Clerk/Treasurer to sign the contract per the Director of Public Works' memorandum dated October 5, 2015

k. Accept the Base Bid and Alternate Bid No. 1 of WSO Grading & Excavating, LLC in the amount of $62,375 for the Base Bid and $2,400 for Alternate Bid No. 1 for the total amount of $64,775 for the bluff drainage and pedestrian path improvement and stabilization project and authorize the Village President and Village Clerk/Treasurer to sign the contract per the Director of Public Works' memorandum dated October 5, 2015.

l. Accept the Proposal of Kapur & Associates, Inc. in the amount of $7,692 for part time construction inspection activities related to the bluff drainage and pedestrian path improvement and stabilization project and authorize the Village President and Village Clerk/Treasurer to sign the contract per the Director of Public Works' memorandum dated October 5, 2015.

m. Adopt the Preliminary Resolution Declaring Intent to Levy Special Assessment Under Municipal Police Power Pursuant to Sec. 66.0703, Stats. for sanitary sewer lateral improvements made in Sanitary Sewer Basin Nos. 1, 2, 3, 5 and 8.

n. Approve Payment of the Bills in the amount of $650,388.13 for the period September 1, 2015 through September 30, 2015 per the report submitted by the Village Manager.

Trustee Frazer requested removal of item 5b.

Trustee Sumner requested removal of items 5f and 5g.

On motion of Trustee Fonstad, seconded by Trustee Tirado, and carried unanimously, the Board approved the amended Consent Agenda.

Minutes of the July 14, 2015 Village Board Meeting as drafted July 16, 2015

On motion of Trustee Frazer, seconded by Trustee Fonstad, carried unanimously to approve as item 5b which are the amended minutes for the meeting of July 16, 2015, to the direction of the Village Clerk with Trustee Frazer's misspelled last name be corrected.

Resolution for Inclusion of Dental Insurance under the WPE Group Health Insurance Program

On motion of Trustee Sumner, seconded by Trustee Fonstad, carried unanimously to approve item 5f and adopt the Resolution for the Inclusion of Dental Insurance under the Wisconsin Public Employers' (WPE) Group Health Insurance Program.

Intergovernmental agreement permitting access of Milwaukee County Public Safety Radio System

On motion of Trustee Sumner, seconded by Trustee Fonstad, carried unanimously to approve 5g for the approval of the Intergovernmental Agreement permitting access of Milwaukee County Public Safety Radio System.

Consideration of Resolution Awarding the Sale of General Obligation Promissory Notes, Series 2015

Village Manager Scott Botcher gave a brief explanation of the bidding of the bonds and a savings of $122,000.

On motion of Trustee Symchych, seconded by Trustee McGauran, carried unanimously to adopt the draft resolution awarding the sale of $3,265,000 for series 2015.

Without objection, the draft resolution is amended and the figure substituted whenever the monetary figure appears in caption or text to be changed from $3,245,000 to $3,265,000.

Manager Scott Botcher stated he would confirm the monetary number with Whyte Hirschboeck Dudek, S.C.

President West noted, without objection, Village Board will recess this item until the Board hears from Village Manager Botcher on the correct monetary amounts. Village Board moved to item 7b.

Following discussion with bond counsel, Village Manager Botcher advised amendment could be withdrawn as resolution was reconfirmed as accurate.

On motion of Trustee Symchych, seconded by Trustee McGauran, and carried unanimously, to adopt the resolution as drafted by Bond Counsel, awarding the Sale of $3,265,000 General Obligation Promissory Notes, Series 2015 with the amendment withdrawn.

Village of Fox Point recipient of American Planning Association – Wisconsin Chapter 2015 Award

Trustee Symchych gave a brief overview of the American Planning Association – Wisconsin Chapter 2015 Award presented to Village of Fox Point. Village of Fox Point was the top award winner in the State for innovative planning. The award recognized our work, the application, in addition to the interesting conditions, Village of Fox Point's ways around some of the problems presented and fundraising efforts. This is the third award received by Village of Fox Point.

Future Agenda Items

On motion of Trustee Sumner, seconded by Trustee Tirado, and carried unanimously to place on a future agenda the consideration of changing our meeting location from Schwemer Hall to Padway Hall.

Announcements

Trustee Tirado thanked President West for having the Trustees at the North Shore Fire Department Presentation.

Village Manager Botcher reported met with Gale of Fox Point of View and beginning in December, the Department Heads of Village Staff will begin writing a journal column.

The first quarter of 2016, Manager Botcher will hold Morning with the Manager, serving coffee and donuts and will have open hours on Saturday morning to meet with residents for discussion. The Village URL will be changing; the old account will become a ghost account, but similar URL domain names have been reviewed. Mr. Botcher mentioned Going Green with village packets; if there is any interest, a PDF can be sent in place of the hardcopies.

Closed Session

On motion of Trustee McGauran, seconded by Trustee Symchych with all members voting aye, the Board convened into Closed Session at 10:14 p.m. Pursuant to State Statutes Section 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 involved or likely to become involved, related to Code compliance issues at 500 W Bradley Road and 19.85(1)(e), for deliberation or negotiation for the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons, with respect to the expansion of North Shore Library. Participating in this closed session will be the Village Board, Village Attorney, Village Manager, and Village Clerk/Treasurer

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 10:25 p.m.

Adjourn

On motion of Trustee Fonstad, seconded by Trustee Frazer and carried unanimously, the Board adjourned at 10:25 p.m.

Respectfully submitted,

Kelly A. Meyer, WCMC
Village Clerk/Treasurer