

**VILLAGE OF FOX POINT
VILLAGE BOARD MEETING
TUESDAY, MARCH 14, 2017**

A meeting of the Fox Point Village Board was held on Tuesday, March 14, 2017 in Schwemer Hall, 7200 N. Santa Monica Blvd., beginning at 7:00 p.m. President West called the meeting to order and noted we have a quorum present; all trustees are present. Without objection, roll call is suspended. Members of the Village Board present included:

Village President Michael A. West
Trustee Eric Fonstad
Trustee Terry McGauran
Trustee Liz Sumner
Trustee Christine Symchych
Trustee Marty Tirado
Trustee Bill Kravit

Also present was Village Manager Scott Botcher, Public Works Director Scott Brandmeier, Village Attorney Eric Larson, and Village Clerk 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

Mary Pape, 7800 N Mohawk Road

Ms. Pape noted she is one of the properties most affected by the Dunwood Development and has concerns with potential devaluation of the property, safety of her children and probable concerns with selling her property because of the proposed development.

Sheldon Cohn, 200 W Dunwood Road

Mr. Cohn noted promised originally a berm facing Dunwood Road; he has seen nothing about the berm, the size, the length, or anything in regard to that.

Marilyn Franklin, 7870 N Regent Road

Ms. Franklin commented on the calendar of meetings and complimented the village on the notice of meetings being held and the information that has gone out. She noted the next Village Board meeting is scheduled for April 11, 2017, which is the second night of Passover, an important holiday. She asked that they consider rescheduling the meeting considering the extreme interest with what is currently going on in the community.

Greg Ollman, 7525 N Fairchild Rd

Mr. Ollman noted Bayside a week before voting they have signs to remind voters to vote; for better turnouts in the village he suggested that be considered.

Lorry Rifkin, 7821 North Mohawk Road

Mr. Rifkin addressed the Village Board. He noted his disappointment at the Plan Commission meeting. His concerns were the subjects not addressed at the Plan Commission meeting such as, delivery truck traffic with loading and unloading and no underground parking at the proposed Memory Care Facility. He also noted that the following was not addressed and were some of his concerns: the berms that ended at Mohawk, the planting of evergreens to assist in obscuring the view, and no contract in place for memory care facility.

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Ron Sager 7546 N Navajo Road

Mr. Sager inquired on the League of Women Voters and asked who sets candidate forums up with the upcoming Spring General Election.

Greg Ollman, 7525 N Fairchild Road

Mr. Ollman commented on Mr. Sager's inquiry. He noted, a candidate forum attempt was made through the League of Women Voters and the Republican Party to get a forum going. Attempted dates were unavailable for some candidates. If one candidate cannot make it, they do not have a forum.

Mary Pape, 7800 N Mohawk Road

Ms. Pape noted more desolation in the lot at the Dunwood School property, many cars have been parking there and sitting; she noted it is very disconcerting to the families around the property. Please make a note of that as the Police Department has been called several times on this and suggested a regular patrol around the property. Village Manager Scott Botcher commented the school has recently put a chain across the area.

Hearing no other remarks, President West closed public comment.

Committee Reports / Plan Commission

President West gave a brief report. He noted the Plan Commission met for the Pre-petition Conference with the Mandel Group, Inc., for the Potential Planned Development at 217 West Dunwood Road (a.k.a. the Dunwood School Property) was held. There was a presentation, the Commissioners asked questions, and the village attorney addressed procedural matters. The next step will be this Board's action to refer this to the Plan Commission.

Hearing no public remarks, President West closed public comment and moved to the Consent Agenda.

Consent Agenda

President West opened public comment and hearing no remarks, he closed public comment. President West noted that the Village Board is working with an amended agenda, which includes 4h.

- a. Approve the Minutes of the February 14, 2017 Village Board Meeting.
- c. Adopt Resolution Authorizing the Village of Fox Point to reimburse the LX Club up to \$500 per month for their lease expenses.
- e. Accept the quote of M&M Tree Care, LLC in an amount not to exceed \$50,000 for trunk and soil injection activities related to the Emerald Ash Borer initiative and authorize the Village President and Village Clerk to sign the contracts per the Village Forester's memorandum dated March 9, 2017.
- f. Accept the proposal of Laubenstein, Inc. in an amount not to exceed \$10,000 for the replacement of the Longacre Pavilion skylights and authorize the Village Manager to approve the purchase order per the Assistant Director of Public Works' memorandum dated March 9, 2017.

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- g. Approve Payment of the Bills in the amount of \$306,475.88 for the period February 1, 2017 through February 28, 2017 per the report submitted by the Village Manager.
- h. *Acceptance for the replacement of squad car proposal from Ewald's Hartford for the squad replacement in the amount of \$29,790.00 and authorize the Village Manager to sign the purchase order.

Trustee Sumner requested item 4d be withdrawn from the consent agenda; Trustee Fonstad requested item 4b be removed for the consent agenda.

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

Petition of Mandel Group, Inc., to rezone property located at 217 West Dunwood Road (a.k.a. the Dunwood School property) to PDO Planned Development Overlay District, and set a public hearing concerning (4b)

Trustee Fonstad noted concerns whether this was the procedurally correct way to proceed, according to Village Code 745.21(C)(1-2).

Trustee Fonstad noted the Petition should be reviewed by the Village Board prior to being referred to the Plan Commission and the Petition has not been submitted to the Village Board at this time. He noted there were certain elements that may need to be seen to refer the petition.

Village Attorney Eric Larson noted he had understood a Petition had been filed. He read Ordinance 745-21(C)(2). written as, following the consultation with the Plan Commission, petition may be made to the Village Board by the owner or his agent of property proposed for such development for the approval of a specific project plan under the provisions of these regulations. It continues with describing what needs to be submitted in the petition. He noted he concurs with Trustee Fonstad that there needs to be a petition.

Attorney Larson also noted, if the Board were so inclined, the board could refer it subject to that petition being filed and give a date by which the petition should be filed. This could be delegated to the Village Manager to be sure it is complete pursuant to the Village Ordinance. That would be consistent. You do not have any obligation to do that and the Board could wait until they have the complete petition.

President West asked Attorney Larson to tell him how this Consent Agenda Notice could be modified, as it will be written out; thereby the Trustees would take it under consideration on whether or not they want to adopt the repair or if the majority of the Trustees say no, the Ordinance will be taken as written. The matter would simply be laid over until the exact requirement of the Ordinance has been met.

Attorney Larson suggested the following modification to the Consent Agenda Notice for Item 4b, Petition of Mandel Group:

Refer to the Village Plan Commission for study, investigation and recommendation to the Village Board, the Petition of Mandel Group, Inc., to rezone property located at

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217 West Dunwood Road (a.k.a. the Dunwood School property) to PDO Planned Development Overlay District, Subject to the Village Manager receiving a petition that satisfies the requirements of section 745-21(C)(2), no later than March 17, 2017 at noon.

On motion of President West, seconded by Trustee Kravit to modify the consent agenda notice to insert the text as, to refer to the Village Plan Commission for study, investigation and recommendation to the Village Board, the Petition of Mandel Group, Inc., to rezone property located at 217 West Dunwood Road (a.k.a. the Dunwood School property) to PDO Planned Development Overlay District, Subject to the Village Manager receiving a petition that satisfies the requirements of section 745-21(C)(2), no later than March 17, 2017 at noon.

Motion was discussed.

President West reminded everyone there is a motion on the floor to repair the notice.

President West asked for any further discussion on the motion.

Trustee Sumner suggested another special Village Board meeting next week just to be sure the proper procedure is being followed and agreed with Trustee Fonstad that it would be good if we have these rules, the rules should be followed.

President West commented that a special board meeting could be scheduled, noting it would take a special petition to the Clerk from 2 Trustees or a poll of all Trustees,

Village Manager Scott Botcher noted just to be clear, we had the pre-petition conference with the Plan Commission. Following the pre-petition conference and prior to tonight, the petition documentation was submitted consistent with the Ordinance. He did not distribute it to the Village Board assuming that you would refer it to Plan Commission for review and as President West noted sometimes in the past, the Village Board has submitted to Plan Commission without seeing the petition. He commented the petitions are sitting in his office.

Attorney Larson suggested the Petition(s) could be distributed to the Village Board at this time.

President West asked for further comments or discussion on the motion.

President West asked Manager Botcher to please get and distribute the Petitions to the Village Trustees. The Petition was distributed to the Village Board of Trustees by Village Manager Scott Botcher.

President West stated without objection the motion on the table is postponed indefinitely. Hearing no objections, the motion is postponed indefinitely.

Village Manager Scott Botcher stated that the application for the petition is complete as required by the village ordinance.

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On motion by Trustee Kravit, seconded by Trustee Tirado, the Village Board referred the Mandel Group, Inc. Petition submittal to Plan Commission and set the public hearing pursuant to the agenda notice.

A brief discussion took place on the motion.

Motion to refer the Petition of Mandel Group, Inc. is carried unanimously and the matter is so referred to Plan Commission.

Manager Botcher directed Assistant Village Manager Mike Pedersen to immediately place on the village website to make available for the public.

Base Bid and Alternate Bid 1 from Michels Civil, a Division of Michels Corporation, in the amount of \$1,079,011.03 for the 2017 Street and Utility Improvement Project on Navajo and Seneca Roads and Lake Drive (4d)

Director of Public Works Scott Brandmeier briefly explained the bid process for the project and answered Trustee Sumner's question.

On motion of Trustee Fonstad, seconded by Trustee McGauran and carried unanimously, to accept the Base Bid and Alternate Bid 1 from Michels Civil, a division of Michels Corporation, in the amount of \$1,079,011.03 for the 2017 street and utility improvement project on Navajo and Seneca Roads and Lake Drive and authorize the Village President and Village Clerk to execute the contract per the Director of Public Works' memorandum dated March 2, 2017.

Discussion and Possible Action Regarding the Reconstruction of School Road and May Take Any Action It Deems Appropriate

Director of Public Works Scott Brandmeier briefly explained the reconstruction of School Road, noting this would be a 50/50 percent cost share with Whitefish Bay for the project. Bids came in very favorable estimated cost. There may be more subgrade work that would be completed.

Hearing no other remarks, President West closed public comment.

On motion of Trustee Fonstad, seconded by Trustee Kravit, and carried unanimously, the Village Board approved the Village Manager be authorized to reimbursement Whitefish Bay for 50% of the cost of the work to reconstruct School Road as set forth in the Director of Public Works memorandum dated March 2nd.

Future Agenda Items

On motion by Trustee Kravit the Village Board find a future board date per President West's schedule rather than next Tuesday night, April 11, 2017 date, which is the second night of Passover. Motion seconded by Trustee Sumner.

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Village Attorney Eric Larson stated the motion is not in order because it would set something on a future agenda, so this would not be voted on until April 11, 2017. Therefore, no vote was taken.

On motion by Trustee Tirado that the Village Board will discuss and may act regarding the possible improvements to the village board room at our next scheduled, publically noticed Village Board meeting. Motion seconded by Trustee Sumner and carried unanimously.

Motion carried and will be so agenda'd.

Announcements

Trustee Sumner reported Fox Point/Bayside Education Foundation is holding their "Rolling Down The River Benefit" on Saturday March 18, at 6:00 p.m. at Shelly's in Thiensville.

Trustee Tirado gave a report on the Fox Point Poll Advisory Committee noting there is a web-based survey that the UWM students have put together and is posted on the village website now and they are in the process of distributing that to not only the Village of Fox Point citizens, but also to the neighboring communities that are considered a stakeholder. The UWM graduate students also will be going a public informational meeting to present their results to any interested citizens and stakeholders on April 18 at 7:00 p.m. at Village Hall in the Schwemer Room. He noted it will be publically noticed as well.

Village Manager Scott Botcher commented he had 5 or 6 items, as follows:

1. President West Acknowledgement Reception – Wednesday, April 12 from 4:30 – 6:30 p.m. at Longacre Pavilion. Evites will be sent out. If there are any other names that should be included, please send them to me.
2. Acknowledge the DPW and the Police Department, with the recent snow and scrambling to be sure the roads would be clean; he commended them for doing a great job.
3. With the obnoxious activity at JCC with the recent threats, he commended the DPW and the Police Department in cooperation with Whitefish Bay for providing the service needed with these threats.
4. The Navajo/Seneca Project came in extremely low in regard to the budget as well.
5. If someone wanted to change the meeting on April 11, 2017; he noted the procedure that was followed the last meeting change.

Adjourn

On motion of Trustee Sumner, seconded by Trustee Symchych and carried unanimously, the Village Board adjourned at 8:18 p.m.

Respectfully submitted,


Kelly A. Meyer
Village Clerk/Treasurer