

**VILLAGE OF FOX POINT  
VILLAGE BOARD MINUTES  
AUGUST 11, 2020**

A meeting of the Fox Point Village Board was held on Tuesday, August 11, 2020 via telephone conferencing through Zoom, 7200 N. Santa Monica Boulevard. President Frazer called the meeting to order at 7:00 p.m. President Frazer asked the Village Manager to take roll call. Roll Call of the Village Board present included:

President Douglas H. Frazer  
Trustee Eric Fonstad [participating via Zoom]  
Trustee Christine Symchych [participating via Zoom]  
Trustee Marty Tirado [participating via Zoom]  
Trustee Liz Sumner [arrived at 7:03pm via Zoom]  
Trustee Bill Kravit  
Trustee Greg Ollman

Also present were Village Manager Scott Botcher, Assistant Village Manager Michael Pedersen, Chief of Police Christopher Freedy (via Zoom), Department of Public Works Director Scott Brandmeier (via Zoom), 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 board at 7200 N Santa Monica Boulevard, as well as the village website at [www.villageoffoxpoint.com](http://www.villageoffoxpoint.com), as per 2015 Wisconsin Act 79 and as described in Village Ordinance Chapter 116-2, 116-2(C).

*At this time, individuals can address the Village Board on one or more topics for up to three-minutes with time extensions at the Village President's discretion. Individuals desiring to be heard may reserve a portion of their time, or defer it altogether, to when the Board takes up an agenda item. In connection with non-agenda items, no action will be taken except for possible referrals to individuals or committees.*

**Persons desiring to be heard**

Kathe Lake 7471 N Beach Court

Ms. Lake spoke in opposition to the creation of a public beach on Beach Drive.

Patricia Mousseau 180 W Dunwood

Ms. Mousseau shared her opinions about the Chiswick development. She believes the development doesn't enhance the community and she has also seen construction traffic on Dunwood.

Tim Lemont 7475 N Beach Drive

Mr. Lamont spoke in opposition to any beach proposal on Beach Drive. He is supportive of erosion protection and shoreline restoration generally but against picnic tables and parking spaces.

Julie and Lance Parve 500 E Fox Dale Court

Mr. and Mrs. Parve thanked the Board on the 2-year anniversary of the ordinance allowing chickens in the Village. Further, they indicated their support of public art in the Village and of the Edelman proposal specifically.

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Martin Katz 7718 N Beach Drive

Mr. Katz spoke in favor of the Edelman public art proposal. He spoke in opposition of creating a public beach along Beach Drive.

Renee Kirchner 7250 N Beach Drive

Ms. Kirchner was in favor of others' usage of the existing Beach Drive public property, but was not in favor of enhancement. She expressed concerns about traffic and hazards in the water and shoreline.

Mike Tarney 7308 N Beach Drive

Mr. Tarney said Beach Drive is well used for walking, running, biking and sightseeing and he has deep concerns about designating the land east of Beach Drive a public park. He cited traffic and pedestrian concerns, and stated any improvements should be very limited.

Jeremy and Nicole Schowalter 7415 N Beach Drive

Mr. and Mrs. Schowalter spoke in appreciation of the efforts to preserve the shoreline along Beach Drive from the rising level of Lake Michigan. They expressed concerns about traffic, pedestrian, and parking activities that an enhanced public beach at this location would bring.

Kim Caviggiola 7911 N Links Circle

Ms. Caviggiola spoke in opposition of any enhancement of a public beach along Beach Drive. Ms. Caviggiola spoke in favor of the Edelman public art proposal.

*Without objection and hearing no other remarks, President Frazer closed the public comment period.*

**Plan Commission Committee Report**

Trustee Fonstad reported on the August Plan Commission meeting. The Edelman public art proposal was the item on the agenda. The Plan Commission considered two motions in connection with a recommendation to the Village Board: the first, to endorse either or both of the proposed site failed by a vote of 4-2; the second, to make no recommendation passed unanimously, and thus is the recommendation to the Village Board on the matter this evening.

**Public Hearing Regarding the Proposed Public Art Sculpture, "Little Dancer, Aged Fourteen"**

Open Public Hearing

*On motion by President Frazer, seconded by Trustee Kravit, and carried unanimously by roll call vote, 7-0, the Village Board opened the public hearing at 7:38 p.m. for the public hearing agenda item.*

Village Attorney Larson explained the four criteria the board must apply under Village Code Section 745-20 B.(2): "is it appropriate?; is it compatible with the neighborhood?; is it not detrimental to the neighborhood?; and is it keeping with the character and quality of the community?".

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Mr. Edelman made a presentation. He showed renderings of the two sites: one at Bradley Road and Lake Drive, and the other at Dean Road and Lake Drive. He explained his thematic work, and his feeling that this piece of art would not work in other public locations in the Village.

Meg Kinney 7575 N Beach Drive

Ms. Kinney endorsed this proposal.

Michael Tarney 7308 N Beach Drive

Mr. Tarney stated his support for public art for this proposal in particular.

Martin Katz 7718 N Beach Drive

Mr. Katz spoke in favor of the public art proposal. He stated that Mr. Edelman is an internationally recognized artist, and his work would improve the community.

Close Public Hearing

*On motion by President Frazer, seconded by Trustee Kravit, and carried unanimously by roll call vote, 7-0, the Village Board closed the public hearing at 7:55 p.m. for the public hearing agenda item 3a.*

**Consent Agenda**

- a. Approve the minutes of the July 14, 2020 Village Board meeting. (page 1)
- b. Accept the quote of Dorner Company in the amount of \$19,926 for the replacement of the pressure reducing valves on Beach Drive per the Water Utility Foreman's memorandum dated July 15, 2020, and authorize the Village Manager to sign the agreement with Dorner Company. (page 6)
- c. Accept the quote of WSO Grading and Excavating LLC in the amount of \$14,600 for the installation of additional storm sewer at the intersection of Green Tree and Barnett Lane and authorize the Village Manager to sign the contract per the Director of Public Works' memorandum dated August 4, 2020. (page 16)
- d. Accept Change Order No. 1 from Stark Pavement Corporation in the amount of \$7,920 for the replacement of deteriorated manhole chimneys along Barnett Lane and Acacia Road and authorize the Village President and Village Clerk/Treasurer to sign the change order per the Director of Public Works' memorandum dated August 4, 2020. (page 21)
- e. Approve CDBG Intergovernmental Agreement with Milwaukee County for the years 2021-2023, inclusive. (page 26)
- f. Approve payment of the bills in the amount of \$1,449,152.16 for the period July 1, 2020 through July 31, 2020 per the report submitted by the Village Manager. (page 33)

*Motion made by President Frazer, seconded by Trustee Kravit, and passed by roll call vote, 7-0, the Village Board approved the consent agenda, as presented.*

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**Comprehensive Plan Special Committee Report**

Assistant Village Manager and Comprehensive Plan Special Committee Chair Michael Pedersen gave an update on the Comprehensive Plan Special Committee. Mr. Pedersen noted the Committee is back on track, following the hiatus due to COVID-19. The next meeting is scheduled August 20, 2020 at 8:00 a.m. The agenda will include the second discussion of public participation, as well as the overview of the first draft of the Comprehensive Plan.

**Consideration of Public Art Donation**

*Motion made by President Frazer, seconded by Trustee Kravit, to adopt the following motion:*

*Consistent with Village Code Section 745-20 B.(2), the Village Board approves the installation of an art sculpture, entitled Little Dancer, Aged Fourteen by Richard Edelman 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 so approving, the Village Board finds that for either location each of the four conditions in the subject Village Code Section is satisfied, namely the sculpture and the sculpture's installation is:*

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

*After taking into account citizen comment, the precise location and orientation of the installation in either of the approved sites will be decided by Richard Edelman, the Village Manager, and the Director of Public Works.*

*Further, the Village Board approves the subject proposed Artwork Loan and Exhibition Agreement in the form the Agreement as the Agreement appears starting at page 47 of the agenda packet, and authorize the Village President and the Village Clerk-Treasurer to sign the Agreement.*

AYES: Frazer; Sumner; Tirado; Kravit; Ollman

NAYS: Fonstad; Symchych

Motion carried 5-2.

**Consideration of a Public Mask Mandate**

Village Attorney Larson recommended that the Village Board save commentary and discussion on this matter until closed session so he could advise in his client's interests.

Jennifer Reigel 7415 N Lombardy Road

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Ms. Reigel spoke in support of a mask requirement primarily so as to protect First responders.

By unanimous consent, the Village Board agreed to postpone discussion to closed session.

**Green Tree to Beach Pedestrian Path**

Village Engineer/DPW Director Scott Brandmeier gave a brief report on the path matter. He stated that the cost to have an engineering firm perform a cost estimate would be approximately \$10,000. In addition, there would be a cost for the design or engineer work prior to the estimate being developed. It has been estimated several times in the past that this project would be in excess of \$1,000,000.

*Motion made by Trustee Tirado, seconded by Trustee Fonstad, to postpone consideration of the Green Tree to Beach Drive Pedestrian path indefinitely.*

AYES: Frazer; Fonstad; Sumner; Tirado; Ollman

NAYS: Symchych; Kravit

**Beach Drive Public Space**

President Frazer introduced the topic as one requested by Trustee Kravit following a citizen comment at last month's meeting.

Meg Kinney 7575 N Beach Drive

Ms. Kinney stated her opposition to the concept, indicating the plan was ill-conceived and inappropriate for this location. Klode Park and Doctors Park were nearby alternatives with beaches.

Village Attorney Larson reviewed Chapter 586 of the Village Code, which establishes rules for the use of public property on Beach Drive.

Thomas LaConte, 7110 N. Barnett Lane

Mr. LaConte said he owns three lots on Beach Drive and he opposes adding benches, swimming, or parking to this area.

Eric Beringause 7515 N Beach Drive

Mr. Beringause thanked the Village for protecting the road and shoreline in an environmentally appropriate fashion as necessary. He spoke in opposition of the concept of improving the property into a beach. He indicated that enhancement of the property would be an imprudent use of taxpayers' money, would be dangerous for swimmers, would create sanitation and security issues, and the Village need not encourage outsiders to come down there.

Elizabeth Aelion, 210 W Bergen Court

Ms. Aelion spoke in support of the concept. She stated swimming in the Lake is delightful. She believes there is not enough access to the Lake in the Village, and there are no lifeguards at Klode Park or Doctors Park. Enhancement would make the place more attractive, would require only 2-3 parking spaces, and volunteers could pick up any trash.

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**Closed Session**

Motion by President Frazer, second by Trustee Kravit to adjourn into closed session pursuant to Wisconsin Statutes Section 19.85(1)(g) to confer with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. Specifically, to discuss legal claims that may arise regarding the Village of Fox Point's efforts to protect the public health and welfare from the COVID-19 pandemic, which may include a face covering mandate.

In a roll call vote, the motion passed unanimously.

After conferring with the village attorney in closed session, the board voted unanimously to reconvene into open session.

Motion by President Frazer, second by Trustee Kravit, to adopt the following resolution:

**RESOLUTION IN SUPPORT OF ADHERENCE TO COVID-19  
PUBLIC HEALTH GUIDANCE**

**WHEREAS**, the Village Board acknowledges the ongoing public health issues concerning COVID-19; and

**WHEREAS**, the COVID-19 pandemic is fluid and rapidly evolving; and

**WHEREAS**, these issues include the wearing of masks or face coverings in situations where social distancing is impractical;

**NOW THEREFORE**, the Village Board advises all individuals in the Village to consult regularly with and adhere to the guidance provided by the Center for Disease Control (CDC) and the North Shore Health Department (NSHD). The Village Board directs the Village Manager to exercise sound judgment in the implementation of CDC and NSHD guidance in Village facilities and workplaces. The Village Board will monitor the situation and may take further action as it determines appropriate.

Trustee Fonstad moved to amend the motion to add as a final sentence: "The Village Board will monitor the situation and may take further action as it deems appropriate." Seconded by Trustee Kravit. All voted in favor.

President Frazer called for a vote on the amended Resolution. All voted in favor.

**Announcements**

Trustee Tirado

Trustee Tirado stated he would prefer Village Board meetings be all in person or all virtually.

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**Adjourn**

*Motion made by President Frazer, seconded by Trustee Tirado, and carried unanimously by roll call vote (7-0); the Village Board adjourned the Village Board meeting at 9:48 p.m.*

*Respectfully submitted,*

*Scott A. Botcher  
Village Manager  
Village of Fox Point*