

**VILLAGE OF FOX POINT
VILLAGE BOARD MINUTES
NOVEMBER 10, 2020**

A meeting of the Fox Point Village Board was held on Tuesday, November 10, 2020 entirely virtually via telephone and video conferencing and available to attend through Zoom, 7200 N. Santa Monica Boulevard. President Frazer called the meeting to order at 7:00 p.m. President Frazer asked the Clerk Treasurer to take roll call. Roll Call of the Village Board present included:

President Douglas H. Frazer
Trustee Eric Fonstad
Trustee Christine Symchych (Arrived at 7:05 p.m.)
Trustee Marty Tirado
Trustee Liz Sumner
Trustee Bill Kravit
Trustee Greg Ollman

Also present via Zoom were Village Manager Scott Botcher, Assistant Village Manager Michael Pedersen, Department of Public Works Director Scott Brandmeier, Village Attorney Eric Larson and Village Clerk Treasurer 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

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. Per Fox Point Emergency Proclamation No. 3, there will be no citizen comments received during this meeting other than during this "persons desiring to be heard" agenda item, to avoid confusion and preserve order during the virtual meeting. In connection with non-agenda items, no action will be taken except for possible referrals to individuals or committees.

North Shore Library Acting Director Alyssa Pisarski

North Shore Library Acting Director Alyssa Pisarski gave a brief update regarding the North Shore Library's extended hours, expansion of curbside pick-up hours, a new children's program on civic engagement, the government, and the voting process.

Acting Director Pisarski also announced North Shore Library won the Wisconsin Library Association's Program Innovation Award for the second year in a row. Last year the library was honored for its dementia program. This year the library was recognized for the inter-generational pen pal program. Only one library in the state receives this award each year, recognizing leadership and innovation in library programs.

Christine Symchych arrived at 7:05 p.m.

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

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Committee Reports – Plan Commission

Trustee Eric Fonstad, a member of the Plan Commission, reported the Plan Commission met on November 2, 2020. There were three substantive items on the agenda, with just enough members to have a quorum.

The first item on the agenda was to review a conditional use permit application for a convenience store and gas station at 8000 N. Port Washington Road. Prior to considering that item, Village Attorney Eric Larson gave the Plan Commissioners some background, in particular on the 2017 state law change which provided that when applications like this come before the village board, the village board will be acting in a quasi-judicial capacity. For that reason, Attorney Larson wanted to alert both President Frazer and Trustee Fonstad since they are both on Plan Commission and the Village Board. Mr. Larson would recommend that both members be cautious so that their participation during Plan Commission review would not pre-judge, or appear to pre-judge, the application. Based on that advice, President Frazer and Trustee Fonstad announced they would not participate in the discussion of the item at the Plan Commission or vote on any recommendation the Plan Commission might discuss. The consequence of this recusal was that on this item only two participating members of the Plan Commission were available to continue the discussion but this was an insufficient number to take action. The two participating members elected not to discuss the item as the Plan Commission could take no action. The application will be scheduled to go before the Plan Commission at another meeting.

Trustee Fonstad also reported on the last two items that came before Plan Commission on November 2, 2020. The Plan Commission recommended approval regarding the first draft of an Ordinance to amend Section 745-20 D.5.(b) of the Village Code concerning side yard setback measurement based upon building width in the F-Institutional District in the Village of Fox Point and recommended approval of the first draft of an Ordinance to Repeal and Re-Creation of Sections 745-2, the Definition of “Permanent Structure,” and 745-7(3)(h)[6], and to Create Section 745-7(D)(5), regarding Zoning Code Treatment of Chicken Enclosures, Chicken Coops and Bee Hives.

Public Hearings for Ordinance to Repeal and Recreate Sections 745-2; 745-7(3)(H)(6) and to Create Section 745-7(D)(5), Related to Zoning Code Treatment of Chicken Enclosures, Chicken Coops and Beehives.

Open Public Hearing:

On motion by President Frazer, seconded by Trustee Fonstad, and carried by roll call vote (7-0), the Village Board opened the public hearing agenda item 4a at 7:11 p.m.

Discussion:

There was no discussion.

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Close Public Hearing:

On motion by President Frazer, seconded by Trustee Fonstad, and carried by roll call vote (7-0), the Village Board closed the public hearing for agenda item 4a at 7:13 p.m.

Public Hearings for Ordinance to Amend Section 745-20 D.5.(B) Related to Side Yard Set-Backs in the F-Institutional District.

Open Public Hearing:

On motion by President Frazer, seconded by Trustee Fonstad, and carried by roll call vote (7-0), the Village Board opened the public hearing agenda item 4b at 7:13 p.m.

Discussion:

There was no discussion.

Close Public Hearing:

On motion by President Frazer, seconded by Trustee Fonstad, and carried by roll call vote (7-0), the Village Board closed the public hearing for agenda item 4b at 7:14 p.m.

Public Hearings for Regarding Proposed Resolution to Levy Special Assessments under Municipal Police Power Pursuant to Section 66.0703, Stats. For Sanitary Sewer Lateral Improvements made in Sanitary Sewer Basin No. 5.

Open Public Hearing:

On motion by President Frazer, seconded by Trustee Fonstad, and carried by roll call vote (7-0), the Village Board opened the public hearing agenda item 4c at 7:14 p.m.

Discussion:

There was no discussion.

Close Public Hearing:

On motion by President Frazer, seconded by Trustee Kravit, and carried by roll call vote (7-0), the Village Board closed the public hearing for agenda item 4c at 7:16 p.m.

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Consent Agenda

- a. Approve the minutes of the October 13, 2020 Village Board meeting.
- b. Approve the minutes of the October 19, 2020 Village Board Budget Workshop meeting.
- c. Adopt Final Resolution to Levy Special Assessments Under Municipal Police Power Pursuant to Section 66.0703, Stats. for Sanitary Sewer lateral improvements made in Sanitary Sewer Basin No. 5 specifically including an assessment district that includes 700 East Daisy Lane.
- d. Accept the Quote of Walt's Petroleum Service, Inc. in the amount of \$28,507.58 for the purchase of a new fuel management system and authorize the Village Manager to sign the quote per the Director of Public Works' memorandum dated October 28, 2020.
- e. Approve Change Order No. 1 with Wachtel Tree Service for additional forestry services in an amount not to exceed \$4,000 and authorize the Village President and Village Clerk/Treasurer to sign the change order pursuant to the Director of Public Works' memorandum dated October 29, 2020.
- f. Approve payment of the bills in the amount of \$1,408,495.63 (as amended under new business) for the period October 1, 2020 through October 31, 2020 per the report submitted by the Village Manager.

President Frazer requested the withdrawal of agenda item 5f.

Motion made by President Frazer, seconded by Trustee Tirado, and carried by roll call vote (7-0), the Village Board approved the consent agenda, absent agenda item 5f.

Comprehensive Plan Special Committee Report

The Village Board received and discussed a report from Assistant Village Manager Michael Pedersen regarding Comprehensive Plan Special Committee.

The Comprehensive Plan Special Committee met this past Monday morning and discussed the virtual public participation process and the related survey after hearing a presentation from Melissa Hunt of Vierbicher.

Mr. Pedersen reported that the Comprehensive Plan draft is coming together nicely; there are few changes that need to be made prior to sending to the Plan Commission.

NEW BUSINESS

Approve payment of the bills in the amount of \$1,408,495.63 for the period October 1, 2020 through October 31, 2020 per the report submitted by the Village Manager. (5f)

Motion made by Trustee Fonstad, seconded by President Frazer, and carried by roll call vote (7-0), to insert the total payment of bills in the amount of \$1,408,495.63 into 5f and approve the payment of bills for the period October 1, 2020 through October 31, 2020 per the report submitted by the Village Manager and as amended.

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Ordinance to Repeal and Recreate Sections 745-2; 745-7(3)(H)(6) and to Create Section 745-7(D)(5), Related to Zoning Code Treatment of Chicken Enclosures, Chicken Coops and Beehives.

Motion made by President Frazer, seconded by Trustee Fonstad, and carried by roll call vote (7-0), to adopt Ordinance to Repeal and Recreate Sections 745-2; 745-7(3)(H)(6) and to Create Section 745-7(D)(5), Related to Zoning Code Treatment of Chicken Enclosures, Chicken Coops and Beehives.

Ordinance to Amend Section 745-20 D.5.(B) Related to Side Yard Set-Backs in the F-Institutional District.

Motion made by President Frazer, seconded by Trustee Fonstad, and carried by roll call vote (7-0), to adopt Ordinance to Amend Section 745-20 D.5.(B) Related to Side Yard Set-Backs in the F-Institutional District.

Consideration of Wisconsin Department of Transportation Sound Barrier Options Along I-43.

Motion made by Trustee Fonstad, seconded by Trustee Tirado, and carried by roll call vote (7-0), to decline the invitation to stain the noise barrier wall at an additional cost of \$170,430 to the Village of Fox Point.

Future Agenda Items

Motion made by Trustee Fonstad, seconded by Trustee Tirado and carried by roll call vote (7-0), the Village Board will receive and may discuss and act on a report from the Village President regarding his plans and recommendations for addressing the future of the North Shore Library at the upcoming December 8, 2020 Village Board meeting.

Announcements

Village President Frazer

President Frazer congratulated the Village Clerk Treasurer Kelly Meyer and Deputy Clerk Treasurer Jeanne O'Brien for conducting an efficient and very successful Fall General Election last Tuesday, November 3, 2020. President Frazer was a poll worker on second shift, along with Trustee Tirado at Longacre Pavilion. He also saw other former board members who also worked as election inspectors at the polls, as well as various other members of boards, committees, and commissions. The village had a breathtakingly high 92 percent turnout, most of which were absentees and early voting absentees. Despite these obstacles and extraordinary circumstances, the poll locations reported the results to Milwaukee County at 8:10 p.m. All in all, a very good job. The whole process, together with the high rate of participation, reflected positively on the village.

President Frazer stated that he expected to put on the December 8, 2020 Village Board agenda the question of whether the Village Board should direct staff to come up with a sensible plan for village facilities that would include a new village hall, a new DPW complex, and the repurposing of Longacre North as a pavilion, pool or splash pad, and ice rink—making it into a “community heart.” In other words, so conceived the plan

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would address village facility and related community needs in a comprehensive, unified, and harmonious way.

Trustee Fonstad

Trustee Fonstad reported on the October 29, 2020 North Shore Library Board meeting. Mayor Kennedy from Glendale attended the meeting and was given the opportunity to speak to the Board at the beginning of the meeting. He confirmed that Glendale is planning on their own library. He emphasized Glendale is in the North Shore Library for the next three years and also acknowledged that the North Shore Library has the use of the current space for about 15 more years under the lease. Mayor Kennedy recommended the remaining three communities form a committee to look into the future of the North Shore Library. He underscored that Glendale is still at the table as far as the North Shore Library is concerned for the next three years. Glendale wants to be able to know what is going on. The other items taken up included the adoption of the capital budget for 2021, basically recognizing that anything more than \$50,000 would have to be agreed to by Glendale. The capital budget was modified so it is \$50,000. There was a lengthy discussion led by Glendale arguing that instead of collecting those funds from the four communities, that the library should use fund balance to pay for the capital budget. The Library Board voted that down. Fund balance will not be used for the capital expenditures. Finally, there was a discussion of how to structure a committee of the three remaining communities, including the committee's composition, its charge, and the timeline for its activities. No decision was made. A general recommendation came forward that the communities get together and work on the future of the North Shore Library.

Trustee Tirado

Trustee Tirado thanked the village staff, Kelly and Jeanne in particular, for running a well-run Fall General Election last week. There were a lot of new and younger volunteers, creating a good diversity of people, with the polls well-staffed.

Trustee Tirado also thanked village staff and the village's local sculpture Richard Edelman for the placement of the sculpture (Little Dancer) on Bradley and Lake Drive. There have been a lot of people who stop by, read the placard and appreciate the sculpture. People have even been parking there to look at the sculpture. The Fox Point Bayside School District ran a socially distanced Halloween scavenger hunt that included that sculpture. Public art becomes part of the community fabric. He appreciates how the sculpture was displayed and mounted.

Village Manager Scott Botcher

Village Manager Scott Botcher thanked Jeanne and Kelly. We are very, very blessed to have two extremely talented professionals in this job. They are extremely talented at what they do. We are very lucky they came to us from two other communities. He concurred with Trustee Tirado that they did a very good job of diversifying the poll workers. Thank you very much to both of you and to all your election inspectors and staff.

Village Manager Botcher talked about a private placement option discussed with Justin Fisher at Baird in connection with the refinancing of the 2022 debt. A private placement is available to any accredited investor. It does not necessarily have to go to banks. If an individual is an accredited investor and he or she wants to invest in slightly over one million dollars in the Village of Fox Point, an individual could do that. If anyone

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knows someone in the community who might have an interest, have the person give Village Manager Scott Botcher a call.

Village Manager Scott Botcher gave the Fox Point Bayside School District credit for setting up the Trick or Treat scavenger hunt. The village worked on this event in concert with the school district.

Village Manager Scott Botcher reported there were modifications made to the budget books. New budget books will be delivered in advance of the public hearing scheduled for November 23, 2020.

Adjourn

Motion made by President Frazer, seconded by Trustee Kravit, and carried unanimously by roll call vote (7-0); the Village Board adjourned the Village Board meeting at 7:52 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kelly A. Meyer'.

*Kelly A. Meyer, CMC/WCMC
Village Clerk Treasurer
Village of Fox Point*