

**VILLAGE OF FOX POINT
VILLAGE BOARD MEETING MINUTES
JANUARY 9, 2024**

A meeting and public hearing of the Fox Point Village Board was held by a combination of in-person and virtual attendance via telephonic and video conferencing on Tuesday, January 9, 2024 in Schwemer Hall, 7200 N. Santa Monica Boulevard. President Symchych called the meeting to order at 7:00 p.m. and asked the Village Clerk Treasurer to take roll call. Roll call of the Village Board present included:

Village President Christine Symchych
Trustee Eric Fonstad
Trustee Liz Sumner (via Zoom)
Trustee Greg Ollman
Trustee Catie Anderson (via Zoom)
Trustee Liz Aelion
Trustee Jennie Stoltz

Also, present were Village Attorney Eric Larson, Village Manager Scott Botcher, Public Works Director Scott Brandmeier, Assistant Village Manager Kevin Ausman 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

No comments were made; therefore, President Symchych closed public comment.

COMMITTEE REPORTS

PLAN COMMISSION

The Village Board received a report from Trustee Fonstad. The Plan Commissions' review and recommendation at the January 1, 2024 meeting with the following:

The Land Combination and Certified Survey Map regarding 6990 N Barnett Lane, Fox Point concerning a combination of lots at 6990 N Barnett Lane.

The land combination was presented with a memo from Director of Public Works regarding it involving a vacated portion of Green Tree Road. Subsequent to the first distribution of the material for the Plan Commission, the village staff distributed some additional information which clarified that the land that is subject to this proposed land combination was vacated by the village in 1978. By law, it was required to be deeded to the property owner. The property line was never removed and that was the subject of the land combination. During the Plan Commission's review of this application, it was noted that the survey map that was submitted by the land owner had a different dimension in it than from the 1978 map that was included in some of the materials. The Plan Commission was not able to resolve that discrepancy so the Plan Commission recommended the land combination be approved, subject to the staff investigating the discrepancy between the survey in the village records and report to the Board at the time the land combination is brought before the Board. It is not on the agenda this month, so staff is still looking into that.

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POOL COMMITTEE

President Symchych announced the Pool Committee met and there is a report submitted by Chair Tirado; it is included in the Village Board packet.

PUBLIC HEARINGS

Conditional Use Permit per F-Institutional District Requirements for The Town Club, d/b/a, The Town Club, 7950 N Santa Monica Blvd.

Open Public Hearing

Motion by President Symchych, seconded by Trustee Fonstad, and carried by roll call vote (7-0), to open the public hearing at 7:05 p.m., regarding the consideration of a Conditional Use Permit per the F-Institutional district requirements for The Town Club, d/b/a, The Town Club, 7950 N Santa Monica Blvd.

Public Comment

Amy Barth, 7815 N Boyd Way

Ms. Barth is opposed to the conditional use permit to allow pickleball, due to the noise, which is extremely loud and intense. It is extremely loud with volume and intensity.

Stephen Spadafora, 7731 N Club Circle

Mr. Spadafora supports the Town Club conditional use permit to allow for pickleball.

Kevin King, 7805 N Boyd Way

Mr. King is opposed to the conditional use permit to allow for pickleball, due to the noise.

Brian Hartnett, 7801 N Boyd Way

Mr. Hartnett is opposed to the conditional use permit due to the noise and lights, which have been difficult. the noise has been difficult.

Sarah Koehn, 7901 N Santa Monica Blvd.

Ms. Koehn is in full support of the conditional use permit allowing pickleball. The social aspect and activities the club offers is vital to maintaining young families in the community.

Andrew Roberts, 413 E Appletree Rd

Mr. Roberts is in full support of The Town Club and their proposal to upgrade the courts to support pickleball. The Town Club is a safe, social environment for children. The stewardship of the club is that they are willing to do this in a way that works for the community.

William Stalle, 7342 N Longacre Rd

Mr. Stalle stated he is in full support. The Town Club is a great place for the community to gather and socialize.

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Vice President Peter Klug, Representative of The Town Club, 7950 N Santa Monica Blvd.

Mr. Klug is in support of the pickleball courts with the updates to the courts. They are a vital part of the community and work to be a place for the community. The bank of courts is unplayable right now. The courts would need to be restarted and retreaded, due to foundation shifting, to be used for pickleball. The courts would be restriped at this time. Pickleball has been played for the last 3 years and tennis for the last 10 years. Noise reduction screening around the court is being fully supported by the Town Club. This is only a daytime sport and will not be played at night.

Paula Rivet, 7957 N Fairchild Rd

Ms. Rivet suggested reducing hours with a later start in the morning and an earlier closing time for the pickleball courts.

Peter Coffey, 6818 N Barnett Ln

Mr. Coffey is in support as the benefits are significant for Fox Point and having access offers quality of life.

There were no other comments.

Close Public Hearing

Motion by President Symchych, seconded by Trustee Fonstad, and carried by roll call vote (7-0), to close the public hearing at 7:26 p.m., regarding the consideration of a Conditional Use Permit per the F-Institutional district requirements for The Town Club, d/b/a, The Town Club, 7950 N Santa Monica Blvd.

CONSENT AGENDA

- a. Approve the minutes of the December 12, 2023 Village Board and Public Hearing meeting.
- b. Accept the quotes from multiple vendors in an amount not to exceed \$22,497.75 for the spring tree order purchase and authorize the Village Manager to execute the necessary purchase orders per the Village Forester's memorandum dated January 4, 2024.
- c. Accept the proposals of Wachtel Tree Science in the amount of \$45,000 for performing a 5-year Village Street tree re-inventory and in the amount of \$3,250 for staff training and public engagement and authorize the Village President and Village Clerk/Treasurer to sign the contracts per the Director of Public Works' memorandum dated January 4, 2024.
- d. Adopt Resolution to designate International Migratory Bird Day to be on May 18, 2024 in the Village of Fox Point.
- e. Approve pipeline crossing agreement with Union Pacific Railroad and authorize the Director of Public Works to sign the agreement per the Director of Public Works memorandum dated January 4, 2024.
- f. Approve payment of the bills in the amount of \$1,012,593.07 for the period December 1, 2023 through December 31, 2023 per the report submitted by the Village Manager.

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The following consent agenda items were withdrawn: Trustee Stoltz withdrew Item 5d, Trustee Aelion withdrew Item 5c, and Trustee Ollman withdrew Item 5e.

Motion by President Symchych, seconded by Trustee Aelion, and carried by roll call vote (7-0), to approve the consent agenda, to include consent agenda items 5a, 5b, and 5e.

APPROVE WASTE MANAGEMENT CONTRACT

Motion by Trustee Fonstad, seconded by President Symchych, and carried by roll call vote (7-0), to approve the contract as proposed in the agenda packet with such other changes and clarifications that staff make and are determined appropriate.

PROPOSALS OF WACHTEL TREE SCIENCE IN THE AMOUNT OF \$45,000 FOR PERFORMING A 5-YEAR VILLAGE STREET RE-INVENTORY AND THE AMOUNT OF \$3,250 FOR STAFF TRAINING AND PUBLIC ENGAGEMENT (Consent Agenda Item 5c)

Motion by President Symchych, seconded by Trustee Fonstad, and carried by roll call vote (7-0), to Accept the Wachtel Tree Science proposal, as presented.

RESOLUTION TO DESIGNATE INTERNATIONAL MIGRATORY BIRD DAY (Consent Agenda Item 5d).

Motion by President Symchych, seconded by Trustee Anderson, and carried by roll call vote (7-0), to adopt a Resolution to Designate International Migratory Bird Day to be on May 18, 2024 in the Village of Fox Point.

PIPELINE CROSSING AGREEMENT WITH UNION PACIFIC RAILROAD (Consent Agenda Item 5e)

Motion by Trustee Fonstad, seconded by Trustee Ollman, and carried by roll call vote (7-0), to approve pipeline crossing agreement with Union Pacific Railroad and authorize the Director of Public Works to sign the agreement per the Director of Public Works memorandum dated January 4, 2024.

RESOLUTION OF COMMENDATION FOR RETIRING VILLAGE CLERK-TREASURER KELLY MEYER

Motion by President Symchych, seconded by Trustee Fonstad, and carried by roll call vote (7-0), to adopt a Resolution of Commendation for Retiring Village Clerk-Treasurer Kelly Meyer honoring her nearly 10-year employment with the Village.

APPOINTMENT OF VILLAGE CLERK-TREASURER

Motion by Trustee Anderson, seconded by Trustee Fonstad, and carried by roll call vote (7-0), to confirm Village President Christine Symchych 's appointment of Sara A. Bruckman to the office of Village Clerk/Treasurer, effective on January 29, 2024.

FOUR-WAY STOP SIGN AT THE INTERSECTION OF CALUMET ROAD AND SANTA MONICA BLVD.

Village President Symchych declared the agenda item out of order; no discussion took place.

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**CONDITIONAL USE PERMIT PER F-INSTITUTIONAL DISTRICT REQUIREMENTS FOR
THE TOWN CLUB, D/B/A, THE TOWN CLUB, 7950 N SANTA MONICA BLVD**

Village Attorney Eric Larson reminded the Board the four standards that were applied to this application and met. As recalled, the Plan Commission recommended in favor and found that these four standards were met. The standards that the ordinance applies are:

1. Whether it is appropriate in the location proposed
2. Compatible with the neighborhood
3. Not detrimental to the property values of surrounding property
4. Keeping with the residential character and quality of the village

Village Attorney Eric Larson asked that as the Board proceeds, consider the four standards of the ordinance.

Trustee Fonstad gave a synopsis of the Plan Commissions consideration of the conditional use permit and conditional use order. The Town Club pointed out there are arborvitaes surrounding the court and they would put up a wind screen designed to reduce the sound of the pickleball by 50 percent.

Trustee Fonstad stated there are a few things missing in the conditional use order and asked that staff work on this prior to the Board's approval of the following:

1. The noise screen was suggested to be a condition that is explicitly in the conditional use order.
2. The arborvitaes are not continuous and should completely surround the courts; it appears the southwest corner has a gap.
3. The court side facing the railroad tracks, does not seem to have vegetation like arborvitaes.
4. No lights around the court should be added as a restriction on the conditional use order.

Leagues, social mixers and lessons is a scaling up of the operation considerably. The village should find a way to mitigate the noise and residents should have the ability to have the quiet enjoyment of their property.

Other points brought up by Board members were the following:

1. A potential change in the hours of the pickleball activity
2. Encourage The Town Club and Neighbors to discuss together
3. Complete the planting of arborvitaes surrounding the pickleball court
4. Club Leagues and Social Mixers need to be defined
5. Neighbors should not be prohibited from filing a noise complaint, if necessary
6. Limit the hours of court time
7. Verification the sound is reduced

Without objection and by unanimous consent the Board asked Village Attorney Eric Larson to prepare both a denial of the conditional use order, specifying the reasons for the denial and a new conditional use order clarifying the appropriate restrictions.

FUTURE AGENDA ITEMS – None

Without objection and by unanimous consent, President Symchych moved the announcement up prior to the closed session to allow non-necessary staff members to head home due to the weather.

ANNOUNCEMENTS

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President Symchych announcements were as follows:

- I. Yesterday, January 8, 2024 was a fascinating ICC meeting. Fox Point has had some tax issues this year and it has certainly not been favorable. The tax software LandNav issues have been exponentially larger than Fox Point's issues. ICC demanded that LandNav show up. All 17 of the municipalities admonished them for over an hour. LandNav tax software will be on the next agenda until the issues are fixed. While Fox Point's issue is not good and President Symchych would not prefer to have our Nicolet UHS issue again, other municipalities are having huge issues. President Symchych is thankful that we were an early adopter of the software last year and that our Clerk Treasurer Kelly Meyer worked very, very hard to make sure that Fox Point had not nearly the issues that other municipalities are having right now.
- II. Sales tax issue has changed since 1/1/2024. The City of Milwaukee is now different than Milwaukee County. Because we are in Fox Point, we have a shared zip code of 53217. If you go and buy something online, it populates sometimes as Milwaukee instead of Fox Point. The Mayor of Glendale was on the news last night because Netflix is billing Glendale residents with City of Milwaukee's tax rate, where it shouldn't be. That was also an issue at the ICC. Many of the municipalities have shared zip codes with the City of Milwaukee. Some business straddle municipal lines. They received a lot of information on how that is generated from third party vendors. Fox Point will be receiving standard language from the Department of Revenue that will be placed in the weekly notifications to send out to our residents and that will inform them of what to do if they have been inappropriately billed with City of Milwaukee's sales tax. Legal language will be passed on to Assistant Manager Kevin Ausman to be placed in the weekly notifications.

Trustee Fonstad had no announcements.

Trustee Sumner had no announcements.

Trustee Ollman wished Village Clerk Treasurer Kelly Meyer farewell.

Trustee Anderson announced the North Shore Library Board typically meets the third Thursday at 9:00 a.m. For the next two onset meetings, in January and February, the Board will meet at 8:00 a.m.

Trustee Aelion had no announcements.

Trustee Stoltz had no announcements.

Manager Botcher had no announcements.

Village Clerk Treasurer announced her retirement and said farewell to the Fox Point Community.

CLOSED SESSION

Motion made by President Symchych, seconded by Trustee Fonstad, to convene into closed session at 8:31 p.m., Pursuant to State Statutes Sections:8:31 pm:

- a. *Pursuant to State Statutes Section 19.85(1)(c), to consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, more specifically concerning the Village Manager. Participating in this portion of the closed session will be the Village Board and Village Manager.*

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Trustee Fonstad	Aye
Trustee Sumner	Aye
Trustee Ollman	Aye
Trustee Knight	Aye
Trustee Aelion	Aye
Trustee Stoltz	Aye
President Symchych	Aye

Carried by roll call vote (7-0).

Respectfully submitted,

Kelly A. Meyer, WCMC/CMC/CMTW
Village Clerk Treasurer

RECONVENE INTO OPEN SESSION

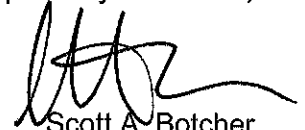
Motion made by President Symchych, seconded by Trustee Fonstad and carried by roll call vote (7-0), to reconvene into open session at 9:28 p.m.

President Symchych announced that the Village Board has completed its review of the Village Manager and approves his performance. Effective January 1, 2024 the Village Manager's compensation will be increased to \$149,350 per annum. Motion by Symchych, second by Fonstad, and carried by roll call vote (7-0)

ADJOURNMENT

Motion made by Trustee Fonstad, second by Trustee Ollman, and carried by roll call vote (7-0) to adjourn the Village Board meeting at 9:31 p.m.

Respectfully submitted,


Scott A. Botcher
Village Manager