

**NOTICE OF MEETING  
VILLAGE OF FOX POINT  
VILLAGE BOARD MEETING**

**SCHWEMER HALL – MUNICIPAL BUILDING  
7200 N. SANTA MONICA BLVD  
FOX POINT, WI 53217**

**TUESDAY  
April 9, 2024  
7:00 P.M.**

**NOTE: THE VILLAGE BOARD WILL BE MEETING IN PERSON AT VILLAGE HALL, WITH A REMOTE ATTENDANCE OPTION, PER THE HYBRID MEETING PROCEDURES FURTHER DESCRIBED IN SECTION 19-32 D. OF THE VILLAGE CODE. THIS MEETING IS OPEN TO ALL CITIZENS IN PERSON AT VILLAGE HALL, OR THROUGH THE ZOOM PARTICIPANT INFORMATION SHOWN BELOW, SUBJECT TO THE FOLLOWING: NO ASSURANCE IS PROVIDED TO THOSE GOVERNING BODY MEMBERS AND CITIZENS INTENDING TO ATTEND REMOTELY THAT THE TECHNOLOGY WILL PERFORM SUFFICIENTLY TO ALLOW FOR THEIR PARTICIPATION AND THE MEETING WILL PROCEED REGARDLESS. PUBLIC OFFICIALS AND CITIZENS WISHING TO ENSURE THEY CAN PARTICIPATE ARE ENCOURAGED TO ATTEND IN PERSON. CITIZENS ARE ENCOURAGED TO SUBMIT ANY COMMENTS IN WRITING IN ADVANCE OF THE MEETING TO THE VILLAGE MANAGER AT [sbotcher@villageoffoxpoint.com](mailto:sbotcher@villageoffoxpoint.com), HOWEVER THERE IS NO LARGER RIGHT TO COMMENT REMOTELY OR IN WRITING THAN IN PERSON.**

**Zoom Participant Information**  
<https://us02web.zoom.us/j/84554315277>

Meeting ID: 845 5431 5277

Dial: (312) 626-6799

**AGENDA**

**1. Roll Call**

**2. 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. Citizen comment when agenda items are called will be heard at the discretion of the chair, subject to the overall three-minute limit. In connection with non-agenda items, no action will be taken except for possible referrals to individuals or committees. NOTE: No comments will be heard during this agenda item concerning a pending application for a zoning code amendment, as the appropriate time for such comments will be at the duly noticed public hearing, so that all interested persons can hear the comments and due process is preserved.*

**3. Committee Reports**

- a. Plan Commission

**4. Public Hearing**

- a. The Village Board will hold a continuation of a public hearing which commenced on January 9, 2024 to receive additional comments and input regarding a proposed Conditional Use Permit and outdoor recreational use for The Town Club, 7950 N Santa Monica Blvd., Fox Point, for Pickle Ball; matches with members, lessons with racket sports professionals, club leagues, and social mixers, as required per Wis. Stats.

Section 62.23(7) (de) (3) and Wis. Stats. 61.35, and Sections 745-20 and 745-10 of the Village of Fox Point Zoning Code. *Pages 4 - 107*

- 5. Consent Agenda** – All items listed under the Consent Agenda will be approved in one motion without discussion unless any Board member requests that the item be removed for individual discussion and possible action. Any item(s) so removed shall be considered individually prior to consideration of any New Business agenda items in the same order in which they were originally listed in the Consent Agenda.
- a. Approve the minutes of the March 12, 2024 Village Board meeting. *Pages 108 - 113*
  - b. Accept the bid of Advance Construction, Inc. in the amount of \$263,675 for the 2024 Nokomis Court Watermain Replacement and Road Resurfacing Project and authorize the Village President and Village Clerk/Treasurer to sign the contract per the Director of Public Works' memorandum dated April 2, 2024. *Pages 114 - 117*
  - c. Accept the proposal of Kapur & Associates in the amount of \$48,450 for inspection services associated with the 2024 Nokomis Court Watermain Replacement and Road Resurfacing Project and authorize the Village President and Village Clerk/Treasurer to sign the contract per the Director of Public Works' memorandum dated April 2, 2024. *Pages 118 -122*
  - d. Accept the proposal of M&M Tree Care LLC in an amount not to exceed \$32,000 for the 2024 Emerald Ash Borer Treatment Project and authorize the Village President and Village Clerk/Treasurer to sign the contract per the Village Forester's memorandum dated March 28, 2024. *Pages 123 - 124*
  - e. Approve the quote of Badger Chevrolet in the amount of \$41,556.50 for the purchase of a new 2024 Chevrolet Silverado 1500 double cab work truck to replace Truck #22 and authorize the Village Manager to sign the purchase order on behalf of the Village. *Pages 125 - 128*
  - f. Approve the 2024 Private Property Infiltration and Inflow Work Plan between the Milwaukee Metropolitan Sewerage District (MMSD) and the Village of Fox Point for the rehabilitation of three private property laterals at 7515, 7521 and 7535 North Beach Drive and authorize the Director of Public Works to execute the agreement with MMSD per the Director of Public Work's memorandum dated April 2, 2024 *Pages 129-175*
  - g. Approve the Land Combination Certified Survey Map for 7111 North Barnett Lane *Pages 176 - 184*
  - h. Adopt the proclamation establishing Friday, April 26, 2024 as Arbor Day in the Village of Fox Point and urge all citizens to support the efforts to protect our trees and woodlands and to support our Village's urban forestry program. *Page 185*
  - i. Approve a purchase order with Thermo Scientific for a TruNarc Portable Narcotics Analyzer in the amount of \$32,702.27. *Page 186*
  - j. Approve payment of the bills in the amount of \$707,739.06 for the period March 1, 2024 through March 31, 2024 per the report submitted by the Village Manager. *Pages 187 - 202*
- 6. Unfinished Business**
- a. Consideration and possible action regarding a proposed Conditional Use Permit and outdoor recreational use for The Town Club, 7950 N Santa Monica Blvd., Fox Point, for Pickleball; matches with members, lessons with racket sports professionals, club leagues, and social mixers. *Pages 203 - 446*

## 7. Future Agenda Items

The Village Board will act on any Trustee requests to place additional matters on an upcoming agenda, without discussion.

## 8. Announcements

The following individuals will be given the opportunity to make announcements at the meeting in regard to (i) actions taken since the previous Village Board meeting on behalf of the Village, (ii) future Village activities and (iii) communications received from citizens. These matters will not be discussed or acted on, and Board members shall not comment on matters announced by others. Referrals may be made to committees and/or individuals.

- a. Village President Symchych
- b. Trustee Fonstad
- c. Trustee Sumner
- d. Trustee Ollman
- e. Trustee Anderson
- f. Trustee Aelion
- g. Trustee Stoltz
- h. Village Manager Botcher

## 9. Closed Session

It is anticipated the Village Board may convene into closed session for the following reason: Upon motion duly made and seconded, and adopted by roll call vote, the Village Board may convene into closed session pursuant to Wisconsin Statutes Section 19.85(1)(a) and/or (g), for deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body, and for conferring 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; more specifically, concerning the application of the Town Club for conditional use and outdoor recreational facility approval to construct and operate pickleball courts, which was the subject of a public hearing held by the Village Board on January 9, 2024 and April 9, 2024.

## 10. Reconvene into Open Session

The Village Board will reconvene into open session. The Village Board may consider and take such action as it deems appropriate regarding the matter discussed in closed session.

## 11. Adjournment

**NEXT REGULAR VILLAGE BOARD MEETING:**

**May 14, 2024 7:00 P.M.**

### PLEASE NOTE:

*Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aids. Also, upon reasonable notice, best efforts will be used to ensure that members of the public lacking access to the virtual meeting platform are provided alternative reasonable methods to attend. For additional information or to request these services, contact the Village Clerk at (414) 351-8900. "Persons requiring an interpreter or other assistance should contact the Village Clerk's office 72 hours prior to the meeting. Notice is hereby given that a majority any other board, commission or committee may be present at the meeting to gather information about a subject in which they are interested. This constitutes a meeting of any other board, commission or committee pursuant to State ex rel. Badke v. Greendale Village Bd., 173 Wis. 2d 553, 494 2d 408 (1993), and must be noticed as such, although said boards, commissions or committees will not take any formal action at this meeting."*

## Scott Botcher

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**From:** Amy Barth <jumpingpoo@hotmail.com>  
**Sent:** Monday, April 1, 2024 11:47 PM  
**To:** Christine Symchych; Catie Anderson; Eric Fonstad; Jennie Stoltz; Elizabeth Aelion; Greg Ollman; Elizabeth Sumner; Scott Botcher  
**Subject:** Town Club - Information in Support of a DENIAL  
**Attachments:** Complaint -Barbera v City of Newport RI.pdf; pickleball letter to board Apr 1 23.pdf; Glenhaven Park Noise Impact Study-Spendiarian-Willis Acoustics.pdf; Noise Con 103.pdf

To all members of the village board and Scott,

(Scott, please add this to the public record)

I have done some additional research and provide you additional evidence that the Conditional Use Permit as written must be denied.

I have inventoried the homes within 500 ft of the courts to give you a better understanding of just how many residents will be impacted.

I also provide details about a number of cases across the country that have a great deal of similarity to what's happening here in Fox Point. In several of these, a sound study has deemed the site unsuitable for pickleball. I've included maps of these locations and you can see that all of them have less than the 8 courts being requested here. These are just a few of the municipalities across the country that are facing issues with pickleball noise.

Please read the attached letter (I've provided in PDF form, please let me know if you prefer a word doc) and give the points that I raise some thought. I'm not just spouting out here saying "it's loud" – I'm bringing you facts and cases.

I also included a sound study done for GlenHaven Park, research materials presented at an annual noise abatement conference, and a recent lawsuit filed in Newport RI.

Amy Barth  
7815 N Boyd Way



To: Christine Symchych, Catie Anderson, Liz Sumner, Eric Fonstad, Liz Aelion, Jennie Stoltz, Greg Ollman, Scott Botcher

From: Amy Barth , 7815 N Boyd Way

Re: Town Club Pickleball Courts - Additional Findings in Support of a DENIAL

Date: April 1, 2024

Scott and all members of the board,

I have done some additional research and provide to you some additional evidence that the Conditional Use Permit as written must be denied. I have also read the documentation submitted by the club and have feedback on some of the materials provided.

I have inventoried the homes within 500 ft of the club to give you a better understanding of how many residents will be impacted. I also provide details about several cases across the country that have a great deal of similarity to what's happening here in Fox Point.

### **1) Lack of Formal Complaints in the last 3 years**

This is not a completely valid argument for several reason:

- Pickleball has shot up in popularity in the last year or two. Three years ago there weren't nearly as many people playing.
- The Town Club admits that the courts are currently in disrepair and are not being used to their full extent.
- At the Plan Commission meeting they said they have been used at full capacity for only 3 hrs a week until now. I would expect that to significantly increase with the resurfacing and addition of more courts, leagues, lessons, etc.
- I have heard the noise, found it annoying, but didn't realize that it wasn't a permitted use; therefore I didn't call the police to complain.

I would also like to bring to your attention a few recent incidents regarding Town Club members playing paddleball. While it's not the same sport, it is indicative of the players lack of consideration for their neighbors:

- Feb 24 2024. I was inside my house (windows closed) around 8pm. The screams from the paddleball courts were so loud I really thought there was something bad happening. Nope, just players screaming and yelling. After 20 minutes of that nonsense I called the police.
- Mid-March. Paddleball is supposed to end at 10pm. The lights are supposed to go off at that time. For a few nights in a row the lights were not going off until around 10:15, and the players did not respect the 10pm time. I finally called the police one night and it seems that the timers have been fixed.
- Players coming onto private property to retrieve balls. Paddleballs routinely come into our yards. On several occasions I've seen players cross the tracks and come onto our properties to retrieve balls.

**2) Pickleball Mitigation Experts Say that Courts Should be More than 500 FT from Homes**

Exhibit A: More information and links to sources.

- 3) **There are 39 homes within 500 ft of the proposed courts.** These homes are on N Santa Monica, E MacArthur, N Regent, E Hyde Way and N Boyd Way. 13 of these homes are within 250 ft.

Exhibit B: Maps showing these homes as well as a list of addresses.

- 4) **Many Town Club members submitted letters of support as part of the submission to the planning commission. None of them live within 500 ft.**

Exhibit C : A map showing the addresses of the club members as well as some feedback on the general theme of the comments.

**5) The Town Club has Not Provided Proof that Sound Will be Within Reason**

The Town Club has only provided a link to information provided by ONE vendor of a sound blanket type of product. This is marketing material, and nothing less. No evidence has been provided to indicate that this will be a sufficient form of sound abatement.

They say that the product they want to purchase will reduce sound by 50%. But 50% of what? Without a sound study, what are we starting with? How will we KNOW that the product is reducing it by that much? How do we know that 50% still isn't too loud?

At the April 1 Plan Commission meeting, Mr. Freedman asked the Town Club if they have done a sound study. The club's attorney replied that sound studies are expensive, and they didn't want to spend the money on it. That just doesn't seem like a reasonable excuse. Are they afraid to have a study performed?

**6) Sound Abatement Plan is Crucial**

Given the proximity of homes (including one house to the south within 20' and 2 story homes within 250 ft to the east) more than one abatement technique may be required, and perhaps the site may simply be ill-suited for the sport.

Exhibit D: Information presented at the **2023 conference of the Institute of Noise Control and Engineering (NOISE-CON)**. Pickleball courts more than 100 ft from a home will require one or more sound mitigation measures to not be considered a nuisance. At 1000 ft or more from a home, pickleball courts will not require any sound mitigation.

## 7) Sound Studies and Planning Lead to Informed Decisions

Exhibit E: **Libertyville IL**. Neighborhood complaints about 4 new courts. Appears as if there was no sound mitigation plan before construction.

Exhibit F: **Ce ntenial CO**. A sound study led to new ordinance which prohibits courts within 250 ft of residences and impose restrictions on courts beyond that.

Exhibit G: **Glen HavenPark , LaCanada CA**. A site with just one tennis court was found to be unsuitable for pickleball even with noise abatement techniques. There are homes within 100 ft and a freeway on one side.

Exhibit H: **GreenBriar Hills Country Club, Kirkwood MO**. The courts were built under the caveat that a sound study was to be conducted before use. The study was performed Oct 23 and the courts are closed as the noise exceeds the noise ordinance.

Exhibit I: **Eisenhower Park, Denver CO**. After complaints from neighbors, limiting hours and investigating sound mitigation options, 4 courts were closed.

Exhibit J: **Mona Barbera vs City of Newport (RI)**. In 2012 Dr. Barbera purchased a house adjacent to the tennis courts at a park. As long as the courts were used for tennis, there was no noise issue. Once the courts were converted to pickleball the noise problems started. This is a 2024 lawsuit that is in progress.

## 8) Assessor Letter is Inconclusive

The letter from the assessor retained by the Town Club simply states that a few homes in the vicinity of the Town Club a Ellsworth recently sold for more than they did the last time the house was sold. This is insignificant given the current market and the number of courts being proposed.

Would they have sold for more? When the market changes and there are excess homes available, and a buyer has the choice of a home near 8 pickleball courts and one that is not, which will they choose?

Also it is important to consider the number of pickleball courts.

- Ellsworth has **TWO** pickleball courts
- Town Club is currently (without permit) playing on **FOUR or FIVE** courts that are in need of repair and as the club has admitted are not being used to their full extent.
- Town Club is seeking to have **EIGHT** courts, along with leagues, lessons and social mixers.

The amount of noise that will be generated will be significantly increased and will have an impact on the neighborhood property values.

## 9) Why has the Town Club Been Allowed to Play without Necessary Permit?

Last week I spoke with Scott Botcher and asked why the Town Club has been allowed to play pickleball without a permit. Scott stated that this is police business, so I called Chief Freedy.

Chief Freedy explained that it is a zoning matter, and that the PD doesn't always know what conditions are in place for each business. They do not monitor such things and would react only based on complaints or direction from the village.

What good is a Conditional Use Permit if nobody monitors / enforces compliance?

#### **10) Any Limitations Must be Clear and Include a Means of Monitoring/Enforcement**

In the case that the Town Club does provide an acceptable sound study and mitigation plan, any restrictions that the Village places on the use must have a clear means of monitoring and enforcement. If there is an end time, who will ensure that the players are aware of and abide by them? What if they don't? Who will monitor and take actions? This should not be left to the neighbors.

#### **11) Plan Commission Recommendation is Not Measurable**

At the April 1 meeting the planning commission moved to recommend to approve the application with the condition:

- That sound mitigation efforts be applied to reduce the pickleball sound by 50%.
  - I've addressed this earlier, but again I'll say "50% of what?" and "is that enough"?
- Have a formal review of the noise level and nuisance level at the end of the season.
  - This is vague. What kind of review? By whom? A sound study? How will this be performed and measured?

To be honest, I was more than a bit disappointed, as the Town Club has not provided any facts to support their request.

I'll end by saying that the residents in the neighborhood ARE entitled to the "right to quiet enjoyment" We have the right to inhabit and use our property without disturbance.

The Town Club attorney even went so far as to say that resident's enjoyment of property is not something that is measurable and some people will always complain. That is disrespectful to the residents and frankly to the village as a whole – this statement tells me that the Club doesn't care about the neighbors.

Thank you again for your time in reading and considering the documentation I submit.

Amy Barth

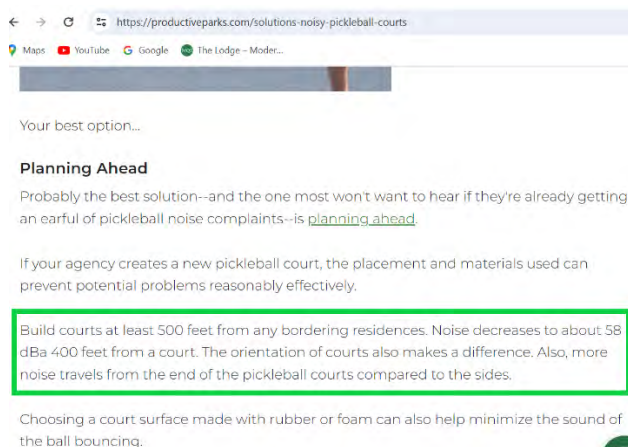
7815 N Boyd Way

## Exhibit A

### Pickleball Courts Should be More than 500 FT from Homes.

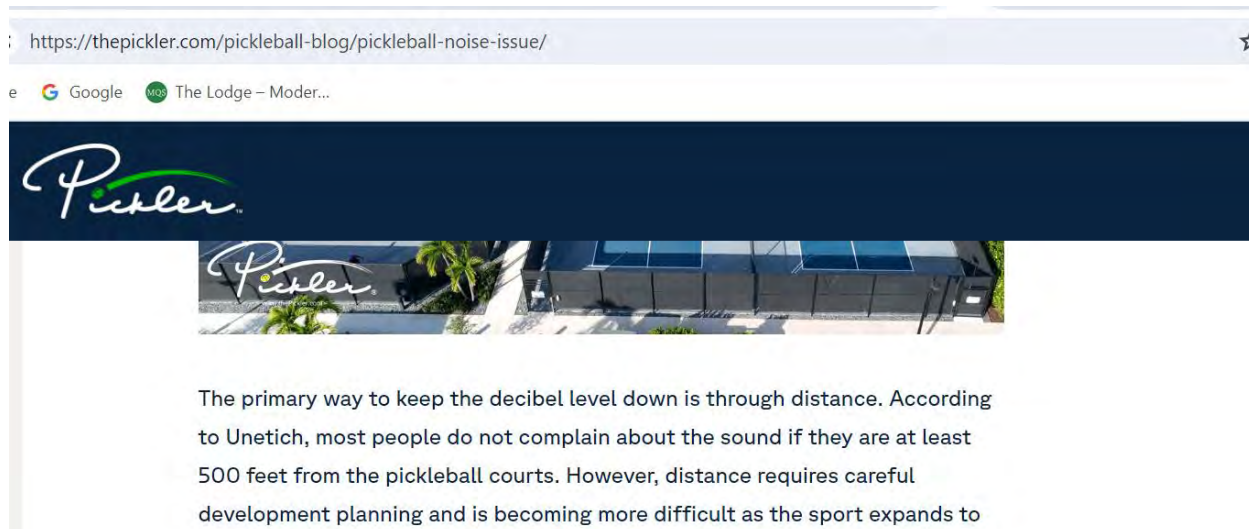
I have found several legitimate sources that state that pickleball courts, even with sound mitigation need to be at least 500 ft from residences. Here are a few references:

**Productive Parks** – a company that specializes in parks and rec maintenance and asset management systems. An article on their site <https://productiveparks.com/about-productive-parks> states that courts should be built at least 500 ft from any residences.



**Bob Unetich** . An electrical engineer by training, active now as a consulting engineer specializing in pickleball sound mitigation. <https://pickleballsound.com/about/>

In this pickleball blog post <https://thepickler.com/pickleball-blog/pickleball-noise-issue/> Mr Unetich is credited for saying that “most people do not complain about the sound if they are at least 500 feet from the pickleball courts.”



A study by Yale University and Mr Unetich shows that that at 100 ft the sound of pickleball is slightly less than that of a vacuum cleaner. That level of noise should not be imposed on any neighbors, at any time of the day. This chart was published in <https://thehustle.co/one-mans-quest-to-make-pickleball-quiet>



## Exhibit B

### 39 Homes Within 500 FT of the Proposed Pickleball Courts.

Using the radius tool within mapdevelopers.com I created a map showing a 500ft radius from each of the 4 corners of the proposed courts. I then added a green dot on each property within the circles.

I did a similar map to identify the homes within 250 ft. There are 13 homes within 250 ft. The maps can be found on the following pages.

There are 39 homes within 500 ft, including homes on 5 streets:

- N Santa Monica,
- MacArthur,
- Regent,
- E Hyde Way
- N Boyd Way

### Fox Point Homes Within 500 Ft of Proposed Town Club Pickleball Courts

#### Homes within 250 FT are identified with \*\*

| West of the Town Club                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | East of the Town Club                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. 7711 N Santa Monica<br>2. 7720 N Santa Monica **<br>3. 7721 N Santa Monica<br>4. 7740 N Santa Monica **<br>5. 7751 N Santa Monica **<br>6. 7801 N Santa Monica **<br>7. 7807 N Santa Monica **<br>8. 7815 N Santa Monica<br>9. 7821 N Santa Monica<br><br>10. 480 E MacArthur<br>11. 510 E MacArthur<br>12. 520 E MacArthur **<br>13. 511 E MacArthur<br><br>14. 7710 N Regent<br>15. 7760 N Regent<br>16. 7765 N Regent<br>17. 7800 N Regent<br>18. 7801 N Regent<br>19. 7808 N Regent<br>20. 7816 N Regent | 21. 804 E Hyde Way<br>22. 805 E Hyde Way<br>23. 808 E Hyde Way<br><br>24. 7711 N Boyd Way<br>25. 7716 N Boyd Way<br>26. 7717 N Boyd Way<br>27. 7722 N Boyd Way<br>28. 7723 N Boyd Way **<br>29. 7735 N Boyd Way **<br>30. 7745 N Boyd Way **<br>31. 7801 N Boyd Way **<br>32. 7805 N Boyd Way **<br>33. 7808 N Boyd Way<br>34. 7811 N Boyd Way **<br>35. 7814 N Boyd Way<br>36. 7815 N Boyd Way **<br>37. 7820 N Boyd Way<br>38. 7823 N Boyd Way<br>39. 7829 N Boyd Way |



## 500 Ft Radius – 39 Homes:

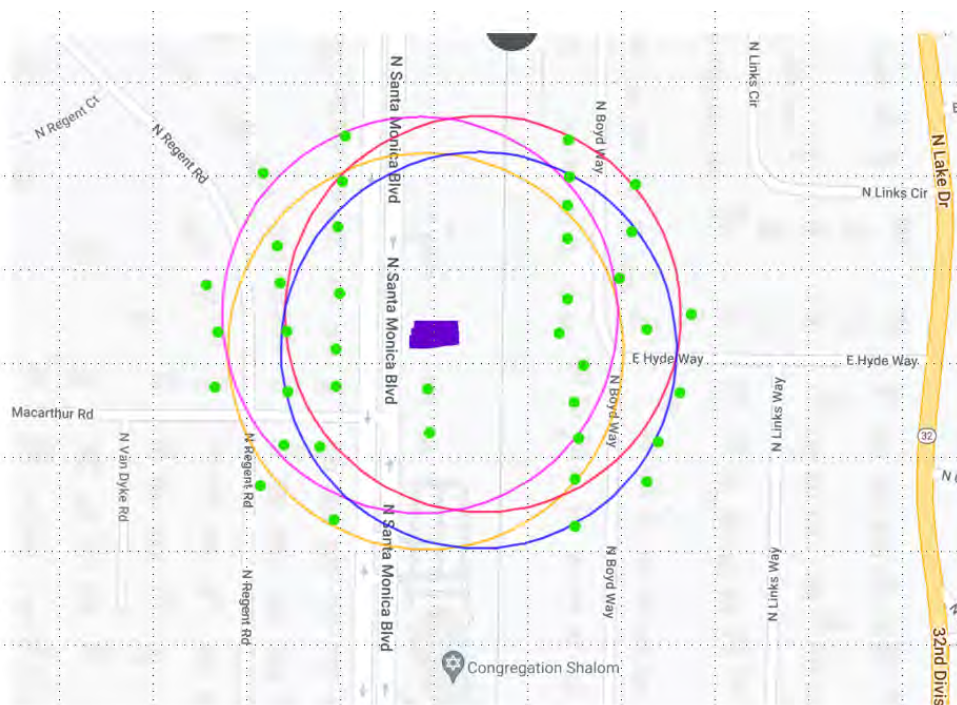
### 39 Homes Within 500 Ft of the Proposed Town Club Pickleball Courts

Each circle represents  
a **500 ft radius** from a  
corner of the tennis  
courts .

**Purple:** The proposed  
courts

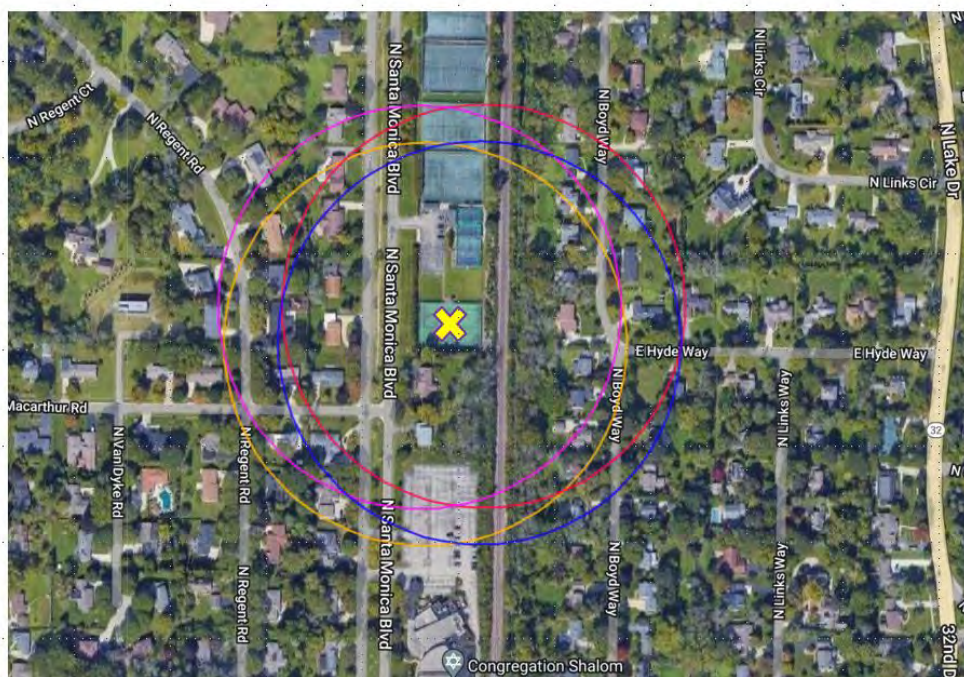
**Green:** The 39 homes

Properties are  
included when the  
home is just outside a  
circle but it's clear that  
at least part of the  
property is in a circle.



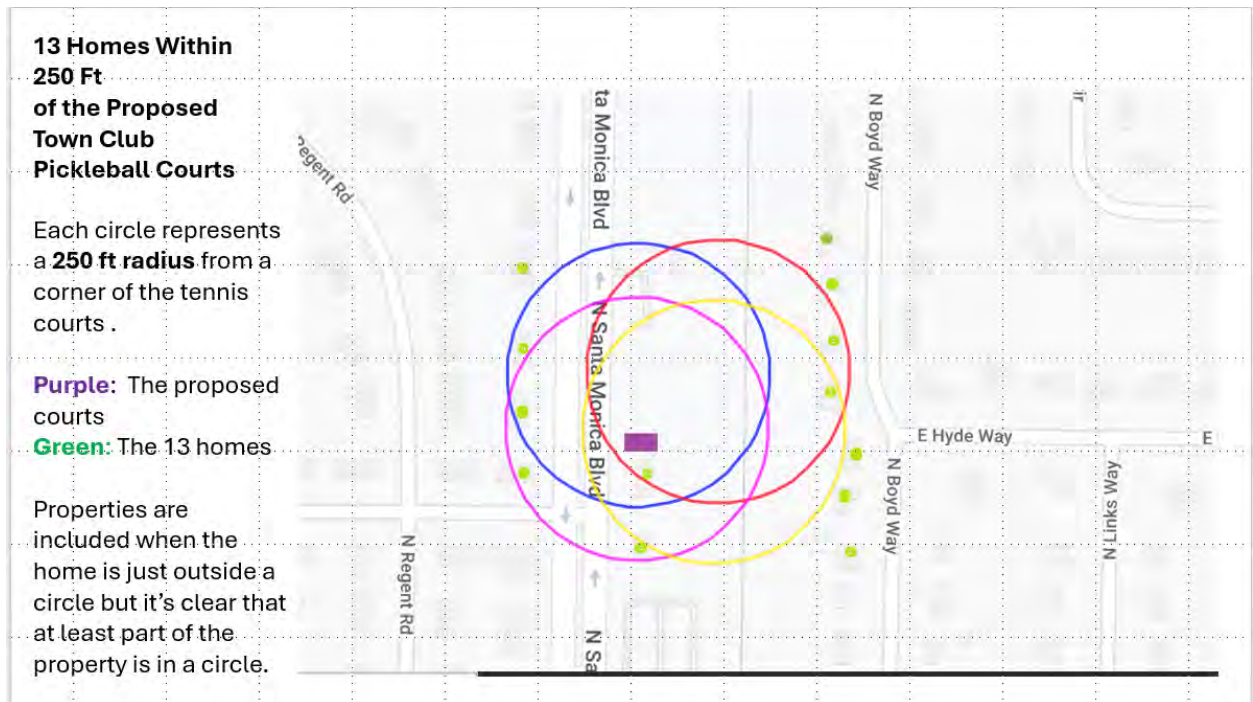
**Satellite View of  
the Same Map,  
with the exact  
same circles.**

**Yellow X marks the  
proposed courts.**



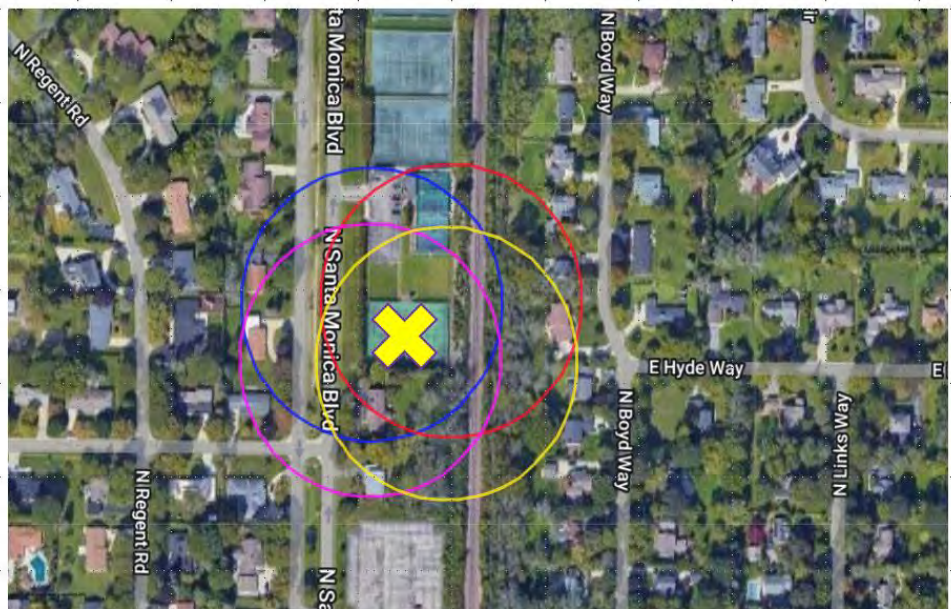


## 250 Ft Radius – 13 Homes



**Satellite View of the 250 ft Map, with the exact same circles.**

**Yellow X marks the proposed courts.**



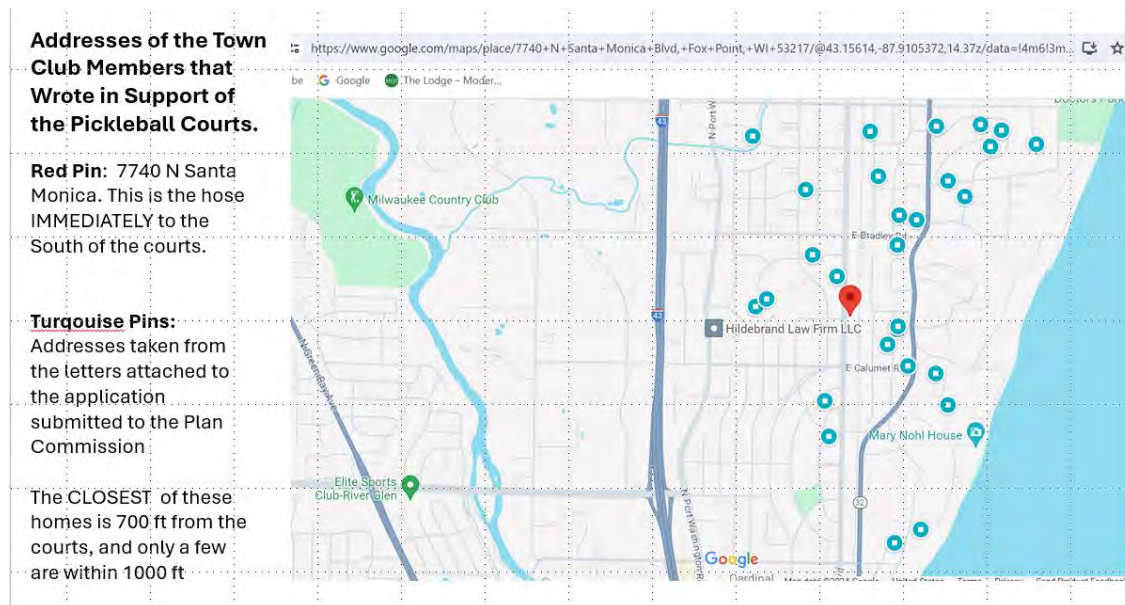
## Exhibit C

### TC Letters of Support: None From Members within 500 ft of Courts

In Exhibit 4 of the most recent submission the plan commission, the Town Club included letters from 59 signatories indicating their support.

I created a map showing these addresses in relation to the courts. Note that I was not able to pin the exact location of the courts as they do not have an address, so I pinned the house that is immediately to the south of the courts (within 20 ft),

**NONE** of these supporters live within 500 ft of the courts. The closest home is 7901 N Santa Monica with is 700 ft away



**It's very easy to say that the noise will not be a nuisance when it doesn't affect you.**

Some of the comments also mentioned, and I paraphrase for summary purposes:

- **“The courts are across the street from most of the houses”.** This ignores the fact that there are houses next to and behind the courts, and that sound travels.
- **“The railroad is noisier”.** No, no it's not. The train comes through at a rumble at most 2-3 times a day. It is loud, but it is not a high pitched sound and it passes within 5 minutes. So at most, if I'm home 24 hrs a day I would hear the train for about 15 minutes. Pickleball will be for hours and hours a day, every day. They cannot be compared.
- **“They bought their houses knowing the courts were there”.** Yes, that is true. No one is complaining about tennis. The sounds of tennis are significantly quieter and at a less irritating frequency. Tennis has a lower density of people and the ball strikes are not as frequent. You cannot compare 4 tennis courts to 8 pickleball courts. See Exhibit J for a current lawsuit regarding the conversion of tennis courts.

## **Exhibit D**

### **Information Presented at NOISE-CON 2023**

One of the topics at NOISE-CON 2023 was: Pickleball Sound 103 - Mitigating Pickleball Sound - Is Pickleball Compatible with Residential Environments?

I am attaching a copy of the 11 page report. (Note that the handwritten notes on the document are NOT from me – they were on the copy of the report I downloaded)

Here is the conclusion on this report:

#### **Conclusions:**

Tests show that a pickleball impact is 4 times louder than a tennis impact and has more frequency content. This makes pickleball play on tennis courts a potential noise problem for nearby homes. Noise ordinances do not properly quantify the sound from pickleball impacts and often understate the level of this impact .....

... In general, pickleball courts less than 100 ft from a home will require extreme sound mitigation measures to be compatible with a residential environment. Pickleball courts more than 100 ft from a home will require one or more sound mitigation measures to not be considered a nuisance. At 1000 ft or more from a home, pickleball courts will not require any sound mitigation.



## Exhibit E:

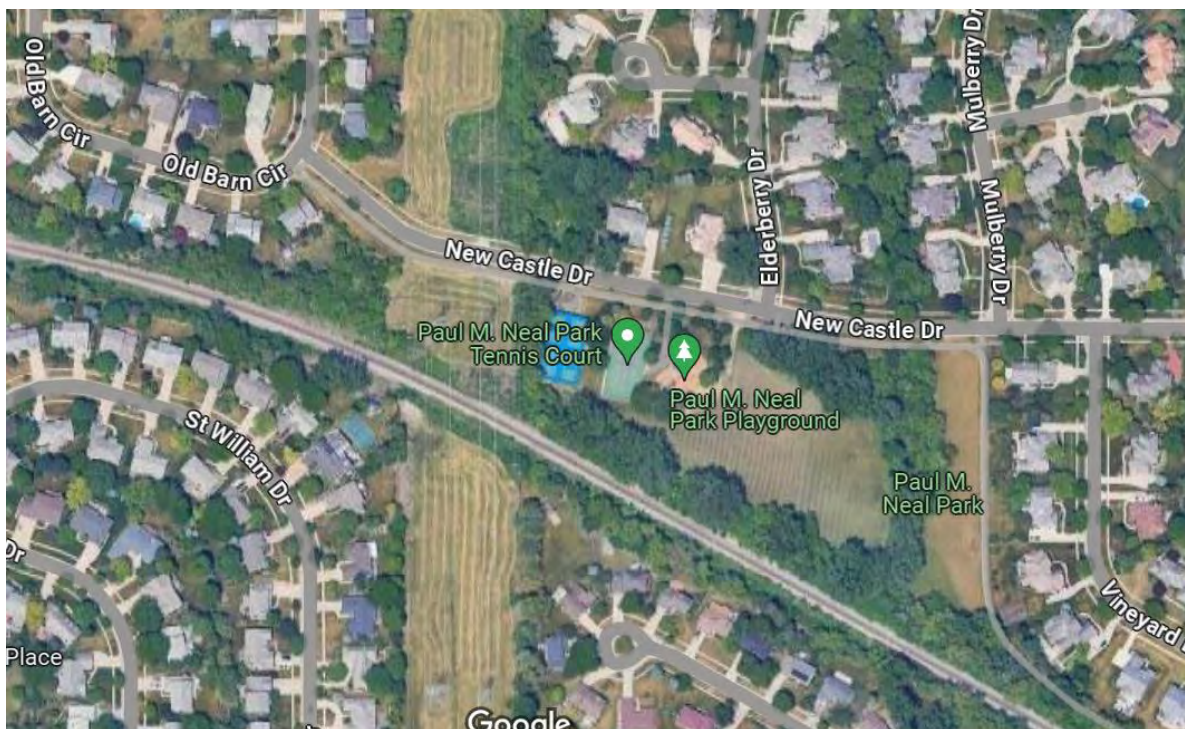
### City of Libertyville IL Paul Neal Park Pickleball Courts

In 2023 the City of Libertyville added 4 courts in Paul Neal Park. Neighbors as far as 4 blocks away have complained about the noise. As of August 2023 the city is looking for solutions.

<https://patch.com/illinois/libertyville/pickle-ball-noise-causes-headaches-neighbors-libertyville>

<https://www.msn.com/en-us/tv/news/neighbors-blast-new-pickleball-courts-for-making-such-a-racket/ar-AA1d42Rc>

A map shows far fewer homes and more green space than we have here. The pickleball courts are shown in blue on this map.



## Exhibit F:

### City of Centennial Colorado Bans Courts within 250 FT of Residences After Conducting Sound Study

In March 2023 the city council [passed a six-month moratorium](#) on new applications or approvals for outdoor pickleball courts within 500 feet of residential uses.

The Sound Study can be found here:

<https://www.centennialco.gov/files/sharedassets/public/v/1/documents/city-projects-and-initiatives/centennial-pickleball-noise-assessment.pdf>

In September 2023 the ban was lifted with the introduction of new rules and regulations that ban outdoor courts within 250 ft of residences, and require a noise impact assessment for any courts between 250-600 ft and limit hours.

<https://www.centennialco.gov/Government/City-Projects-and-Initiatives/Pickleball>

<https://www.centennialco.gov/Government/City-Projects-and-Initiatives/Pickleball>

Tube Google The Lodge – Moder...



### Pickleball Regulations

On September 19, 2023 Centennial City Council voted unanimously to approve Ordinance No. 2023-O-10 creating regulations for Outdoor Pickleball Courts within the City. These regulations are in effect immediately and include the following:

#### Permanent Outdoor Pickleball Courts

- Permanent Outdoor Courts include courts that have painted pickleball lines or have tape or chalk lines that are not removed daily.
- Permanent Outdoor Courts are prohibited within 250 feet of residentially zoned or used properties;
- An Outdoor Pickleball Court Permit is required for Permanent Outdoor Courts located between 250 to 600 feet of residentially zoned or used properties;
- Noise mitigation for Permanent Outdoor Pickleball Courts established from 250 to 600 feet of residentially zoned or used properties shall be required pursuant to a Noise Impact Assessment;
- Permanent Outdoor Courts (including lighting) can operate between 8 a.m.-8 p.m.;
- Permanent Outdoor Courts can create no more than 47 decibels at the nearest residential property line.

#### Temporary Outdoor Pickleball Courts



## Exhibit G

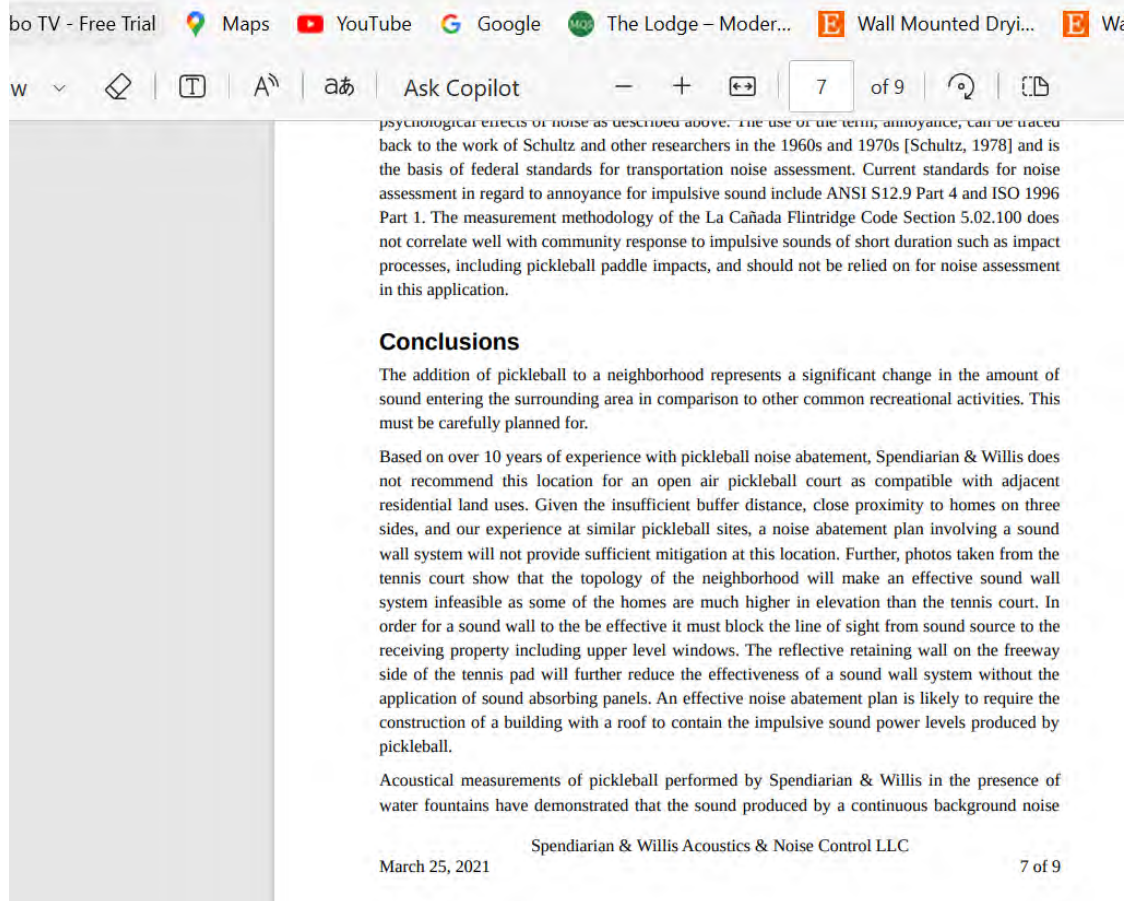
## GlenHaven Park, LaCanada CA: Pickleball Program Shut Down

After complaints from the neighbors and a sound study that showed that even with noise abatement measures the site was not suitable for pickleball, the program was discontinued.

A map of the park shows that there are several homes in close proximity (similar to The Town Club). There is only 1 tennis court, so at most they had 2 pickleball courts. This site is also abutting the San Fernando freeway.

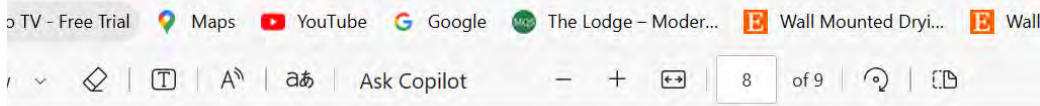
The full sound study conducted in March 2021 sound study by Spendiarian and Willis Acoustics and Noise Control is attached and led to the following conclusions:

C:/Users/jumpi/AppData/Local/Packages/microsoft.windowscommunicationsapps\_8wekyb3d8bbwe/LocalSta





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source must be at a very high level in order to mask the peak sound pressures produced by the impact between a pickleball and paddle. This may be on the order of 65 dBA background noise level for pickleball courts located 200 feet away. For the homes surrounding the Park, the background noise level would need to be considerably higher since they are much closer than this. Freeway noise levels this high would normally trigger a noise assessment and possible requirements to install mitigation along the roadway. It should therefore not be assumed that the road noise from the freeway will act as a masker for the pickleball courts.

The use of foam balls will reduce the need for noise abatement; however, given the residential properties within 75 feet, and in particular 1904 Parkdale Place which is approximately 25 feet from the tennis court pad, sound abatement will be needed. Unfortunately, this site is not conducive to using a sound wall system for the reasons stated above.

In summary, Spendiarian & Willis does not recommend conversion of the tennis court at Glenhaven Park to open air pickleball courts due to the difficulties in creating an effective noise abatement plan for this site. In practice, it has been our observation that enforcement of the use of specific equipment such as foam balls is difficult to ensure. Pickleball clubs that have employed this policy have found it a challenge to maintain over time and the foam balls are eventually replaced by regulation equipment. Without a clear plan for monitoring the pickleball courts the amount of sound produced on the site is likely to increase over time.

regards,

R. Lance Willis, PhD  
Principle Acoustical Engineer

## References

In an October 2022 city council meeting, the topic was discussed and the program at the park ended [https://lacanadaflintridge-ca.granicus.com/MetaViewer.php?view\\_id=4&clip\\_id=1076&meta\\_id=36574](https://lacanadaflintridge-ca.granicus.com/MetaViewer.php?view_id=4&clip_id=1076&meta_id=36574)

Pickleball Program At Glenhaven  
October 18, 2022  
Page 2 of 3

### **Complaints/Comments from the Community**

The pickleball program proved very popular among the community of pickleball players. The LCF Pickleball Association and resident pickleball players have voiced their support to continue the pilot until the permanent courts are built.

The City has continued to receive multiple complaints from the neighbors near/immediately adjacent to the courts throughout the pilot program and the current pickleball program. Similar to the objections presented when the initial pilot discussions occurred, the major complaint is the noise level due to the introduction of pickleball in the area. The City has also received a complaint regarding increased parking due to the activity. Finally, a complaint has been submitted that some players are not using "quiet" gear during their play. As previously stated, the City would not be able to enforce such rules without having a City staff person present to enforce the gear being used. Based on the sound study, it is also important to note that the noise level did not exceed most of the audio receptors, regardless of the gear used.

Based on the professional sound study, receptor NM3 exceeded the ambient noise levels by 3 dB or more during all measured pickleball hours.

<https://cityoflcf.org/pickleball-program-at-glenhaven-park-to-end-october-28/>

https://cityoflcf.org/pickleball-program-at-glenhaven-park-to-end-october-28/

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## Pickleball Program at Glenhaven Park to End October 28

On October 18, the LCF City Council voted to discontinue the limited pickleball program at Glenhaven Park. The program will end on Friday, October 28. Following the vote, the City Council directed staff to research noise mitigation options for future consideration and possible reinstatement of the program.

Through partnerships with the La Cañada Flintridge School District and YMCA, the City will continue to provide publicly accessible pickleball courts at other locations. One alternative location is a court located next to the La Cañada Flintridge Skate Park on Cornishon Avenue available on Saturdays and Sundays from 8 a.m. to 10:30 a.m. and 3:30 p.m. to 6:30 p.m. This option may be modified or terminated based on the District's approval. The YMCA pickleball courts are also available to the public, including non-members, on Mondays, Wednesdays and Fridays from 9 a.m. to 1 p.m. Reservations are required to utilize the YMCA courts.

For more information on the limited pickleball program, visit the [City of La Cañada Flintridge website](#).

October 27th, 2022





## Exhibit H

### GreenBriar Hills Country Club, Kirkwood MO

Before the courts were built, the neighbors asserted that the sound would be a problem. The city granted permission to build the courts under the caveat that a sound study was to be conducted before use. The study was performed Oct 2023 and the courts are closed as the noise exceeds the noise ordinance.

[https://www.timesnewspapers.com/webster-kirkwoodtimes/greenbriar-hills-pickleball-courts-fail-sound-test/article\\_b75ed300-6e80-11ee-ad60-e718bb1dd805.html](https://www.timesnewspapers.com/webster-kirkwoodtimes/greenbriar-hills-pickleball-courts-fail-sound-test/article_b75ed300-6e80-11ee-ad60-e718bb1dd805.html)

https://www.timesnewspapers.com/webster-kirkwoodtimes/greenbriar-hills-pickleball-courts-fail-sound-test/article\_b75ed300-6e80-11ee-ad60-e718bb1dd805.html

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Kirkwood

### Greenbriar Hills Pickleball Courts Fail Sound Test

Courts cannot be used until they are brought into compliance

Melissa Wilkinson Oct 23, 2023 Updated Oct 23, 2023

f X e i



Residents who live near Greenbriar Hills Country Club in Kirkwood have been proven correct in their concerns that the club's new pickleball courts are disruptively loud.

According to Jonathan Raiche, the city of Kirkwood's planning and development services director, the city reviewed an acoustical study performed at the new courts on Oct. 13 and determined the ball whacks created by pickleball players exceed the county's noise ordinance. The country club is located at 12665 Big Bend Blvd.

According to Raiche, Greenbriar Hills Country Club has already inquired about installing additional sound mitigating fencing, and planning staff is in the process of review.

"If found to comply with applicable codes, the current fence permit will be amended with this proposed revision," said Raiche. "The new courts will not be able to be used for pickleball until they

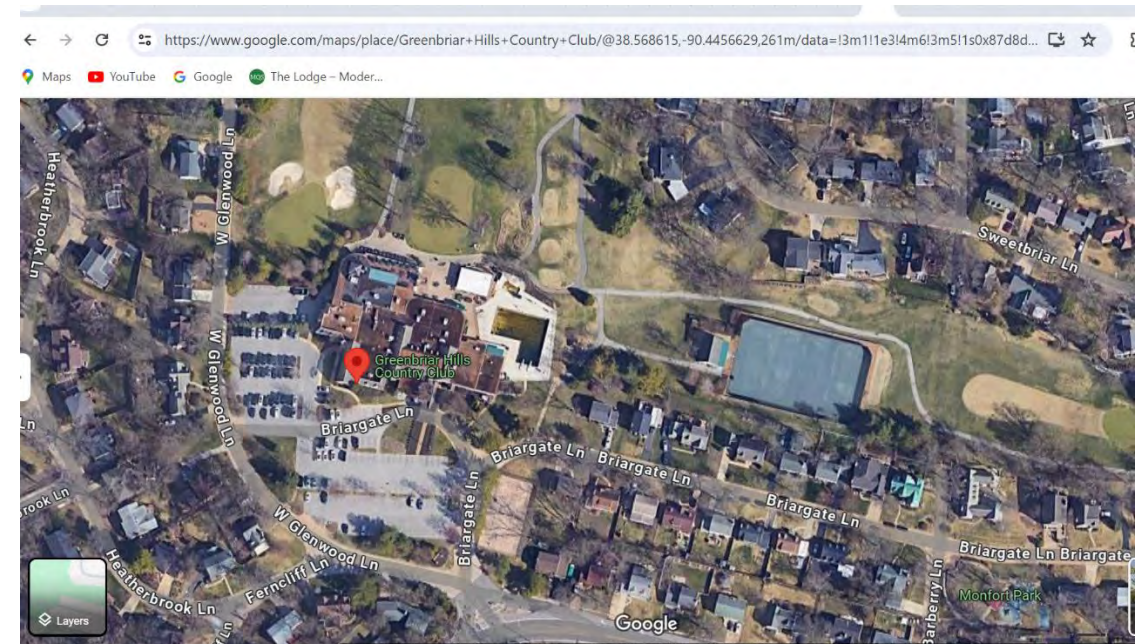
LATEST EDITION

E-EDITION  
Webster-Kirkwood Times  
Mar 22, 2024

CREATE AN EVENT

Search for events

AGE 7 Classified



## Exhibit I

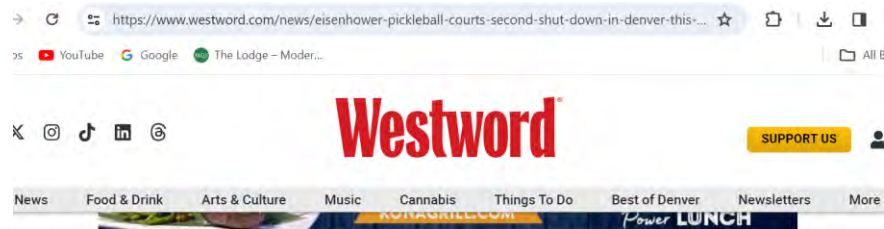
### Eisenhower Park, Denver CO

Four courts at this Denver park were permanently closed in Nov 2023 and will be repainted back to tennis courts.

In the articles below, you will see that the city learned that:

- Courts should be at least 600 ft from homes.
- Fence mounted noise abatement is not likely to be successful at very close proximities
- Fence mounted noise abatement would not be successful because the fences are not high enough to block sound from nearby two-story homes

<https://www.westword.com/news/eisenhower-pickleball-courts-second-shut-down-in-denver-this-year-18129976>



He also told those gathered at Eisenhower that the parks department knows it didn't initially do the right thing when it came to pickleball; it didn't anticipate how the sport would grow or how intense game play would become, he said.

"We made mistakes because we built courts that were too close to people's homes," Gilmore admitted. "We're trying to now take the steps to make sure that we don't do that anymore and we build courts in the right place."

The city is now looking at courts at least 500 feet away from homes and in locations not occupied by tennis courts, according to Gilmore, who calls it progress.

<https://www.cbsnews.com/colorado/news/pickleball-courts-eisenhower-park-denver-close-noise-violations/>



For those interested in further information on sound mitigation considered at the Eisenhower Park location, here are some of the research and investigation findings:

- Based on guidance from DDPHE and sound engineering studies, DPR recommends that pickleball court sites be at least 600 feet away from residential properties. The homes to the north of the Eisenhower pickleball courts are roughly 195 feet from the courts, while the homes to the south are 175 feet away.
- Fence-mounted sound mitigation, such as baffling or heavy screening, is highly unlikely to be successful at these close proximities.
- In this particular location, sound mitigation would be required on all



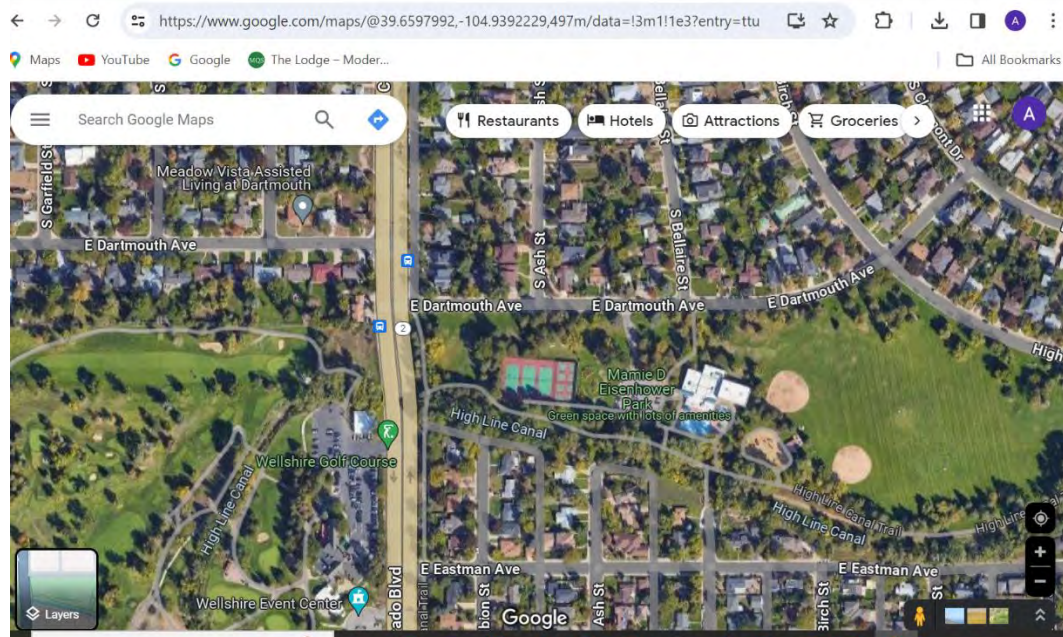
<https://www.denver7.com/news/front-range/denver/denver-closing-pickleball-courts-at-eisenhower-park-amid-noise-complaints>

https://www.denver7.com/news/front-range/denver/denver-closing-pickleball-courts-at-eisen  
ouTube Google The Lodge - Moder...

As it turns out, there may be ways to turn pickleball down, so to speak, in the coming years. Denver7 looked into three of the potential solutions most often suggested to facilitate continued growth of pickleball, and how they apply at Eisenhower Park.

The first is the installation of noise mitigation treatments along the fencing of pickleball courts. Gilmore said this has been discussed by the city, but wasn't considered a viable option at Eisenhower because the fencing isn't tall enough to block the sound from two-story houses adjacent to the park. Even if taller fences were built, he said, the department isn't sure if the noise-mitigation treatments would reduce noise enough to make them worth the money.

Another possible solution coming down the pipe are new paddles and balls, designed to make less noise.



## Exhibit J

### Barbera vs City of Newport RI

When Dr. Barbera purchased her home in 2012, the adjacent courts in the city park were used for tennis only. There were no noise issues until the courts were converted to and became popular for pickleball.

This Feb 2024 lawsuit filed in RI complains that the close proximity and the excessive noise is clear and continuous nuisance which necessitates injunctive relief. The noise emanating from the pickleball courts, both from the play of the game and from the vocalizations of the steady flow of participants, has completely hindered Plaintiff's use and enjoyment of their residence.

PDF of the filing is attached.

#### COMPLAINT

##### INTRODUCTION

This action arises out of the City of Newport's decision to install, maintain, and continue to operate and allow unreasonable daily, year-round use of pickleball courts at Hunter Park in Newport, which directly abut the property of the Plaintiffs. As detailed herein, the close proximity of these courts to the Plaintiffs' residence and the excessive noise generated therefrom is a clear and continuous nuisance which necessitates injunctive relief and the other relief prayed for herein. The noise emanating from the pickleball courts, both from the play of the game and also from the vocalizations of the steady flow of participants, has completely hindered Plaintiffs' use and enjoyment their residence, where Dr. Barbera also has been severely negatively impacted in her ability to conduct virtual meetings and other business from her home. Despite being made aware that the noise generated by these courts is clearly and consistently in excess of the City's Noise Abatement Ordinance, Chapter 8.12, and despite the City's representatives and staff expressly recognizing and documenting the noise issues caused by the courts, the City has failed to appropriately remedy and abate such nuisance and has unlawfully permitted courts that

14. The constant shouting from the pickleball players, a very social activity, can be heard throughout the day in all rooms of the Residence, regardless of whether the windows are open or closed.

15. In addition to the noise created by the additional players, the surface of a pickleball paddle is harder than that of a tennis racket, and the ball that is used is hard plastic, resulting in a constant piercing and disturbing popping sound, as the balls are struck by paddles, which can be heard in every room of the Residence, at all times of the day.

16. The noise has prevented Plaintiffs from reading in peace, having conversations with guests, resting during the day, sitting or walking in their gardens, having holiday or social daytime gatherings, and performing professional work in the home such as phone calls and video conferences.

17. In addition to the disruptions, the popping sounds, which are close to the most sensitive audible frequency range of human hearing, have caused stress, fatigue, anxiety, impairment of concentration, headaches, mental distress and loss of sleep.

18. From the time the Courts were converted from tennis-only courts to pickleball courts, Plaintiffs have been constructively evicted from their Residence.

Note that the residence is also close to a freeway, but that is not a sound issue – the pickleball is.





## Sara Bruckman

---

**From:** Amy Barth <jumpingpoo@hotmail.com>  
**Sent:** Tuesday, April 2, 2024 10:36 PM  
**To:** Christine Symchych; Catie Anderson; Eric Fonstad; Jennie Stoltz; Elizabeth Aelion; Greg Ollman; Elizabeth Sumner; Scott Botcher  
**Subject:** Town Club - Information in Support of a Denial (Replaces the email I sent yesterday)  
**Attachments:** Complaint -Barbera v City of Newport RI.pdf; Glenhaven Park Noise Impact Study-Spendiarian-Willis Acoustics.pdf; Noise Con 103.pdf; pickleball letter to board Apr 2 (replaces Apr 1).docx

Hello Scott and members of the board,

I reread the email that I sent yesterday, and had a few edits to make.

Can you please disregard the email that I sent yesterday (April fools!) and replace it with this one in your records?

I have re-attached all of the PDFs here.

Thank you

Sent from [Mail](#) for Windows



STATE OF RHODE ISLAND JUDICIARY  
SUPERIOR COURT  
SUMMONS

Ans Due  
3/11/24

|                                                                                                         |                                                                                          |
|---------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
|                                                                                                         | <b>Civil Action File Number</b><br>NC-2024-0056                                          |
| <b>Plaintiff</b><br>Mona Barbera et al.                                                                 | <b>Attorney for the Plaintiff or the Plaintiff</b><br>Michael Louis Mineau               |
| v.<br>City of Newport et al.                                                                            | <b>Address of the Plaintiff's Attorney or the Plaintiff</b><br>Partridge Snow & Hahn LLP |
| <b>Defendant</b>                                                                                        | 40 Westminster Street Suite 1100<br>PROVIDENCE RI 02903                                  |
| Murray Judicial Complex<br>Newport County<br>45 Washington Square<br>Newport RI 02840<br>(401) 841-8330 | <b>Address of the Defendant</b><br>No Known Address                                      |

**TO THE DEFENDANT, Laura Sitrin:**

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

|                                          |                            |
|------------------------------------------|----------------------------|
| This Summons was generated on 2/16/2024. | /s/ John Graziano<br>Clerk |
|------------------------------------------|----------------------------|

Witness the seal/watermark of the Superior Court

A true copy of the  
Robert J. Kilcass #6070  
Date 2/20/24





STATE OF RHODE ISLAND JUDICIARY  
SUPERIOR COURT

Upon a private corporation, domestic or foreign:

☐ By delivering said papers to an officer or a managing or general agent.

Name of person and designation \_\_\_\_\_

☐ By leaving said papers at the office of the corporation with a person employed therein.

Name of person and designation \_\_\_\_\_

☐ By delivering said papers to an agent authorized by appointment or by law to receive service of process.

Name of authorized agent \_\_\_\_\_

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

\_\_\_\_\_

☐ I was unable to make service after the following reasonable attempts: \_\_\_\_\_

\_\_\_\_\_

SERVICE DATE: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
Month Day Year

SERVICE FEE \$ \_\_\_\_\_

Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE

SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.

Signature \_\_\_\_\_

State of \_\_\_\_\_

County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_ ☐ personally known to the notary  
or ☐ proved to the notary through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person who signed above in my presence,  
and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.

Notary Public: \_\_\_\_\_

My commission expires: \_\_\_\_\_

Notary identification number: \_\_\_\_\_

**STATE OF RHODE ISLAND**

NEWPORT, SC.

SUPERIOR COURT

MONA R. BARBERA;  
and WARREN GARNER,

Plaintiffs,

v.

C.A. No.

CITY OF NEWPORT; and LAURA SITRIN,  
in her official capacity as Finance Director of  
the City of Newport,

Defendants.

**COMPLAINT**

**INTRODUCTION**

This action arises out of the City of Newport's decision to install, maintain, and continue to operate and allow unreasonable daily, year-round use of pickleball courts at Hunter Park in Newport, which directly abut the property of the Plaintiffs. As detailed herein, the close proximity of these courts to the Plaintiffs' residence and the excessive noise generated therefrom is a clear and continuous nuisance which necessitates injunctive relief and the other relief prayed for herein. The noise emanating from the pickleball courts, both from the play of the game and also from the vocalizations of the steady flow of participants, has completely hindered Plaintiffs' use and enjoyment their residence, where Dr. Barbera also has been severely negatively impacted in her ability to conduct virtual meetings and other business from her home. Despite being made aware that the noise generated by these courts is clearly and consistently in excess of the City's Noise Abatement Ordinance, Chapter 8.12, and despite the City's representatives and staff expressly recognizing and documenting the noise issues caused by the courts, the City has failed to appropriately remedy and abate such nuisance and has unlawfully permitted courts that



were originally designed and intended for tennis to be used for pickleball matches, in this case as close as eleven (11) feet from the Plaintiff's property.

Plaintiffs seek certain declaratory and injunctive relief to regain the use and enjoyment of their residence, to preliminarily and permanently abate this nuisance through an injunction ordering closure of these courts to pickleball play, and to protect the drastically diminishing value of the Plaintiffs' property, as well as damages.

### **PARTIES**

1. Plaintiffs, Mona R. Barbera, Ph.D. ("Dr. Barbera"), and Warren Garner (Mr. Garner") are individuals and residents of Newport, Rhode Island.
2. Defendant, City of Newport (the "City"), is a municipality of the State of Rhode Island.
3. Defendant, Laura Sitrin, is the Finance Director of the City and is being sued in that capacity.

### **History of the Courts**

4. Dr. Barbera and Mr. Garner's home is located at the address of 10 Dyers Gate, Assessor's Plat 9, Lot 303 (the "Residence"). The Residence is part of a residential neighborhood (the "Neighborhood") adjacent to Dyers Date in Newport, which abuts Hunter Park.
5. Dr. Barbera and Mr. Garner purchased and began occupying the Residence on or about March 21, 2012.
6. The Residence directly abuts Hunter Park and is located extremely close to the courts at issue (the "Courts"). Specifically, the nearest portion of the fence on the

Barbera/Garner property is located only eleven (11) feet from the Courts, and the home is located only thirty-two (32) feet from the Courts.

7. At the time Plaintiffs purchased the Residence, and for many years thereafter, the Courts were used solely for tennis. On a typical day, the Courts would be typically used by, at most, eight (8) tennis players, if the courts were used for double play, or four (4) tennis players, if they were being used for singles play.

8. In or around 2016, the entire tennis court area was reconfigured by the City, reducing the number of tennis courts to one (1) and installing three (3) dedicated pickleball courts and painted lines for two (2) additional courts which can be used for pickleball with temporary nets.<sup>1</sup>

9. The popularity of Pickleball grew dramatically during the Covid-19 pandemic, and now the Courts are used nearly entirely for pickleball matches.

### **Injury to Plaintiffs**

10. While to one unfamiliar with the sport of pickleball, the change in use and reconfiguration of the Courts may seem minor; the unfortunate reality is that the introduction of pickleball to the Courts, given the proximity to the Residence, has created an untenable and unbearable condition which negatively impacts the Plaintiffs on an almost daily basis throughout the entire year in a myriad of ways.

11. Contrary to the sport of tennis, the sport of pickleball is almost always played with four (4) players, often resulting in twenty (20) people on the Courts when the Courts are being fully used, not including the additional players crowding the sidelines waiting to play.

---

<sup>1</sup> Pickleball is an indoor or outdoor game that is played on a level court with short-handled, often hollow, paddle and a perforated plastic ball volleyed over a low net by two players or pairs of players.

12. Upon information and belief, the Courts are the only dedicated outdoor pickleball courts of their kind on Aquidneck Island and in the surrounding region. Therefore, players have, for years, been travelling from all over New England and beyond to play at these Courts.

13. Upon information and belief, a large majority of the pickleball players who have been regularly utilizing the Courts are not even residents of the City of Newport.

14. The constant shouting from the pickleball players, a very social activity, can be heard throughout the day in all rooms of the Residence, regardless of whether the windows are open or closed.

15. In addition to the noise created by the additional players, the surface of a pickleball paddle is harder than that of a tennis racket, and the ball that is used is hard plastic, resulting in a constant piercing and disturbing popping sound, as the balls are struck by paddles, which can be heard in every room of the Residence, at all times of the day.

16. The noise has prevented Plaintiffs from reading in peace, having conversations with guests, resting during the day, sitting or walking in their gardens, having holiday or social daytime gatherings, and performing professional work in the home such as phone calls and video conferences.

17. In addition to the disruptions, the popping sounds, which are close to the most sensitive audible frequency range of human hearing, have caused stress, fatigue, anxiety, impairment of concentration, headaches, mental distress and loss of sleep.

18. From the time the Courts were converted from tennis-only courts to pickleball courts, Plaintiffs have been constructively evicted from their Residence.



19. Plaintiffs are not the only members of the Neighborhood who have been impacted by this impermissible behavior.

20. The issue of excessive pickleball noise has plagued residential areas throughout the country and has been covered extensively in national media; one of many examples, is the case recently publicized in nearby Falmouth, Massachusetts, in which an injunction was issued closing the pickleball courts.

21. Moreover, a review of national media and published articles shows that pickleball popularity is a national phenomenon, and that many communities struggle to solve noise and other challenges associated with pickleball matches.

22. Although the Newport City Council amended the City of Newport Codified Ordinance, Chapter 12.32.061, to restrict the hours of pickleball play at Hunter and Vernon Parks from 8:30AM to 7:00PM and Sunday from 10:00AM to 6:00PM, the use of commercial equipment to be used on the Courts (i.e., leaf blowers, shovels, etc.), and the marking of temporary lines without the written permission of the City's Recreation Administrator, these amendments have not reduced the amount of noise and, in fact, the amount of excessive noise has continued to increase with the growth of the sport since these amendments were approved. Further, the City has not adequately and consistently enforced these restrictions.

**The Noise Abatement Ordinance  
and the Noise Evaluation Report**

23. Plaintiffs, at great personal expense, commissioned a noise evaluation report (the "Noise Evaluation Report") from an acoustical engineer, Lawrence G. Copley, P.E., Ph.D. (Dr. Copley). Dr. Copley's firm is L.G. Copley Associates, and Dr. Copley is a member of the Institute of Noise Control Engineering. A copy of the Noise Evaluation Report is attached hereto as **Exhibit 1**.



24. The City's existing Noise Abatement Ordinance, Chapter 8.12 of the Newport City Code (the "City's Noise Ordinance"), cites allowable decibel levels.

25. As concluded by Dr. Copley after thoroughly and objectively studying the noise impacts from the Courts, the regular noise emanating from the Courts as a result of the Courts being utilized for pickleball are a clear and continuing violation of the City's Noise Ordinance.

26. Dr. Copley cites to multiple sections of the City's Noise Ordinance and opines, in pertinent part:

**City of Newport Chapter 8.12: Noise Abatement**

**Quoting from 8.12.010 (G)**

*It is the declared policy of the city to promote an environment free from excessive, unreasonably loud, or disturbing noise, otherwise properly called noise pollution, which unreasonably jeopardizes the health and welfare of the public, violates and disturbs the well-being, tranquility and privacy of the home, or otherwise degrades the quality of the lives of the residents of this community*

It is apparent from the foregoing investigation that the pickleball activity is violating this City policy with respect to the residence at #10 Dyers Gate. Considering the similar proximity of the other residences in this neighborhood, it is reasonable to conclude that they also are exposed to pickleball noise in violation of the City noise policy.

It is noted that 8.12.040. *Definitions* lists many of the terms used in this report, with the same meaning, including "dBA", "impulsive sound", and "ambient sound level". This section also contains

*"Physical characteristics of sound" means the steady, impulsive or narrow band property of a sound, the level of the sound and the extent to which it exceeds the background sound level.*

This report has demonstrated the impulsive and narrow band characteristics of pickleball bat sound, and also the extent to which these impact sounds exceed the background ambient sound level.

Section 8.12.080. *Maximum permissible sound levels by receiving land use.* This section defines the maximum allowable sound level received by residential uses as 65 dBA. Moreover, in 8.12.080 (C),

*For any source of sound which emits narrow band sound, the maximum sound level limits set forth hereinabove shall be reduced by five dBA.*

Thus, according to the Noise Abatement chapter, the maximum allowable level for pickleball bat sound is 60 dBA. The patio measurements show sound levels in the range 70-80 dBA, which is a clear violation.

27. In addition to his analyses and conclusions on the noise impacts of the pickleball Courts, Dr. Copley also detailed the shortcomings and inadequacy of any potential mitigation options, confirming that relocation of these Courts is the only solution which will adequately abate this nuisance and the continuing harms being suffered by Plaintiffs.

**Attempts to Resolve the Issue Amicably**

28. Dr. Barbera and Mr. Garner have made numerous attempts to resolve these issues amicably.

29. Notably, Dr. Barbera met with the City Manager at the time, Joseph Nicholson Jr.; the Director of Public Services, William Riccio, Jr.; the Recreation Administrator, Erik Reis; and a representative of the Finance Department to discuss the above issues and to present them with a copy of the Noise Evaluation Report.

30. On July 17, 2023, Plaintiff's counsel issued a letter (the "July 17, 2023 Letter") to the Mayor of the City of Newport, Xaykham Khamasyvoravong (the "Mayor"), detailing the above issues. The letter also enclosed the Noise Evaluation Report. A copy of the July 17, 2023 Letter is attached hereto as **Exhibit 2**.

31. Then, on August 3, 2023, Plaintiff's counsel sent a similar letter (the "August 3, 2023 Letter") to the Newport City Council (the "City Council") to be distributed to the members of the City Council and to be placed on an agenda for an upcoming City Council meeting.

32. During the August 23, 2023 City Council meeting, Plaintiffs and Plaintiff's counsel presented the August 3, 2023 Letter.

33. After the August 23, 2023 City Council Meeting, Plaintiff and Plaintiff's counsel became aware of a memorandum prepared by the City's Director of Public Services,

William R. Riccio, Jr., PE, issued to the City's Interim City Manager, Laura Sitrin (the "Memorandum"). The Memorandum was dated August 21, 2023 and acknowledged that "[d]ue to the social interactions of [pickleball] in addition to the equipment used, noise levels during play time regularly exceed established noise ordinances," and that "[t]his matter is particularly evident at Hunter Park where residents lie in close proximity to courts, and included both short-term and long-term recommendations "to address the noise issues related to pickleball play." A copy of the Memorandum is attached hereto as Exhibit 3.

34. The Memorandum recommended the following short-term solutions:

Beginning October 1, 2023, the Department of Public Services recommends returning the Hunter and Vernon Tennis/Pickleball Courts to "tennis only" facilities. The Hunter and Vernon courts received RJDEM recreation grants to assist in their creation; in order to not forfeit grant monies back to RIDEM, the city has proposed (and RIDEM has approved) returning the two courts to tennis only facilities so a recreational amenity is not lost. The estimated cost to return the two court to tennis only facilities would cost approximately \$25,000, which includes removing pickleball posts, patching asphalt, installing tennis posts and repainting the courts with tennis only line.

The Department of Public Services recommends an amendment to the City of Newport Codified Ordinance, Chapter 12.32.061, Public Tennis courts and Running Tracks – Regulations to include a restriction of pickleball play at any city owned property within 750 feet of any residence within the City. The industry standard suggests that pickleball courts located within 500-600 feet from residential properties and sensitive areas be reviewed by an acoustical engineer during the site selection phase in order to avoid choosing a site that is expensive to mitigate, results in unexpected limitations on court use or leads to ongoing disputes with neighbors – all to which we are currently dealing with on a daily basis.

To accommodate play, the Department of Public Services recommends extending the use of the Martin Recreation Center gymnasium for pickleball programs as a temporary solution. . . .

35. A copy of the ordinance amendment referenced in the Memorandum (the "Ordinance Amendment") is attached hereto as Exhibit 4.

36. At the September 9, 2013 City Council Meeting, after Plaintiff and Plaintiff's counsel had continued to express their concerns outlined in the August 3, 2023 Letter,



the Council deferred a vote on the Ordinance Amendment and directed the Tree and Open Space Commission (the "Commission") to review, research, and recommend actions regarding the Ordinance Amendment.

37. The Commission subsequently issued a letter on October 27, 2023, attaching the Commission's report entitled Pickleball in Newport's Parks and Open Spaces (the "Commission's Report") which acknowledged the daily injurious and obnoxious noise levels caused by the pickleball play at the Courts:

Over the years, pickleball has experienced an extraordinary growth in popularity, both nationally and locally. It has become part of some school sports programs, is offered indoors through the City of Newport Recreation Department and is expected to grow in popularity due to the wide range of players it attracts.

The current locations for pickleball play are not adapted to this growth in demand and use, nor to serving as centers of regional pickle ball play. Occasional play by local residents has been replaced with constant play by people from throughout Newport County and beyond. Courts are often continuously active during all allowed pickleball play times. Parking on neighborhood streets can become congested. Socialization surrounding the courts can involve many people waiting in clusters near homes. Absence of restrooms results in what one player said is "using the bushes-men over here, women over there."

38. A copy of the Commission's Report is attached hereto as Exhibit 5.

39. However, despite noting that based on the experiences of other municipalities and the opinions of sound engineers, pickleball-related noise at the Hunter Park location cannot be adequately mitigated unless the Courts are located a substantial distance—at least 500-600 feet—away from abutters, and even then, will likely require acoustic walls; noting that the City has expressed that it does not have the bandwidth to schedule, monitor, and enforce pickleball hours and court time, *the Commission merely recommended temporary changes to the rules regarding pickleball play while City staff evaluate pickleball play options.*

40. The Commission's recommendations, and the failure of the City to appropriately mitigate the noise issues through relocation of the Courts, provided a grossly

inadequate response. Notably, under the recommended temporary changes to the rules regarding pickleball play, pickleball players could continue to play pickleball on holidays including Thanksgiving, Christmas, and Easter.

41. Despite Plaintiffs commissioning the Noise Evaluation Report and communicating their concerns to City representatives, there has been no progress to date in alleviating the daily nuisances cause by the Courts in Hunter Park.

42. After the City failed to act, the noise from the Courts, and improper use of the Courts, has continued unabated and, if anything, has increased.

43. Accordingly, the Plaintiffs have suffered and continue to suffer irreparable harm.

**COUNT 1**  
***(Declaratory Judgment)***

44. The Plaintiffs repeat and reallege each and every one of the preceding Paragraphs above as if fully stated herein.

45. The actions of the City and the pickleball players that are being allowed to play pickleball on the Courts, have and will continue to cause both a private nuisance and a public nuisance based upon factors including, but not limited to, loud, disturbing, excessive and unreasonable noise which can be heard year-round and at all times of the day.

46. Plaintiffs are aggrieved parties who have suffered, and will continue to suffer, injury in fact, including, but not limited to, diminution in value of their property, violation of their property rights, violation to their right to quiet enjoyment of their property, loss of profit from Dr. Barbera's business, and mental distress, including stress, fatigue, anxiety, impairment of concentration, headaches, and loss of sleep.

47. Plaintiffs have suffered, and continue to suffer, injury greater than the injury suffered by the general public as a result of this nuisance, given Plaintiffs' proximity to the causes of the nuisance.

48. The City has actual knowledge that the actions of the individuals playing pickleball, and the related noise caused by the games, has caused a nuisance to residents of the Neighborhood and, in particular, Plaintiffs.

49. The City has consented to and permitted pickleball players to cause nuisance to the residents of the Neighborhood, including Plaintiffs, by opening and maintaining the Courts for play pickleball and refusing to take appropriate action remedy and abate this nuisance created and perpetuated by the City.

50. Plaintiffs are without an adequate remedy at law to stop this nuisance.

51. There exists a justiciable controversy, ripe for this Court's adjudication.

**WHEREFORE**, Plaintiffs respectfully pray that this Court enter judgment:

- a. Declaring that the use of the Courts for pickleball matches constitutes a public nuisance;
- b. Declaring that the use of the Courts for pickleball matches constitutes a private nuisance;
- c. Ordering the City to immediately close the Courts for all pickleball activity;
- d. Awarding Plaintiffs any and all attorney's fees, costs, and other expenses reasonably incurred in connection with prosecuting the instant action; and
- e. Granting any and all other such relief as this Court deems fair and just.



**COUNT 2**  
***(Injunctive Relief)***

52. The Plaintiffs repeat and reallege each and every one of the preceding Paragraphs above as if fully stated herein.

53. As a direct and proximate result of the City's repeated and unreasonable allowance of significant invasion of the Plaintiff's private use and enjoyment of the Residence through the allowance of individuals to use the Courts for pickleball, Plaintiffs will continue to sustain irreparable loss, damage, and injury, and such loss will increase each day that the City's acts and omissions continue.

54. Greater harm will result if the relief herein is not granted than would result if the relief is granted, because if the relief sought herein is granted, the parties will be restored to the status quo as it existed prior to the repurposing of the Courts for pickleball play by the City.

55. Plaintiffs have a reasonable likelihood of success on the merits for their claim of nuisance.

56. Plaintiffs are without an adequate remedy at law.

57. Plaintiffs are serving a copy of the Complaint and related pleadings on the City, further advising that Plaintiffs will be filing these pleadings with this Honorable Court and seeking a hearing thereon.

**WHEREFORE**, Plaintiffs respectfully pray that this Court:

- a. Enter a Preliminary and Permanent Injunction restraining and enjoining the City from permitting the Courts to be used for pickleball activity;
- b. Award Plaintiffs any and all attorney's fees, costs, and other expenses reasonably incurred in connection with prosecuting the instant action; and
- c. Grant any and all other such relief as this Court deems fair and just.

**COUNT 3**  
***(Private Nuisance)***

58. The Plaintiffs repeat and reallege each and every one of the preceding Paragraphs above as if fully stated herein.

59. Plaintiff did serve notice to the City in accordance with Rhode Island General Law 45-15-5.

60. Presentment letters have been mailed to the Mayor on July 17, 2023 and the City Council on August 3, 2023, both of whom are agents of the City.

61. In their presentment letters, Plaintiffs claimed a nuisance and disturbance to residents of the Neighborhood trying to peacefully enjoy their homes, including Plaintiffs, from the use of the Courts for pickleball play.

62. More than forty (40) days have passed since the presentment letter was mailed.

63. Despite being made aware that there exists past and continuing exceedances of the City's Noise Ordinance occurring on City owned and managed property, the City has taken insufficient action and has unreasonably permitted the Courts to continue to be used for pickleball play.

64. Allowing the use of the Courts for pickleball play has, and is, causing substantial and unreasonable interference with the use and enjoyment of Plaintiffs' Residence.

65. The City's maintenance and provision of the Courts for pickleball use the amounts to a private nuisance and is actionable under the laws of Rhode Island.

66. Plaintiffs are entitled to compensatory and punitive damages in amounts sufficient to establish the jurisdiction of this Court.

**WHEREFORE**, Plaintiffs respectfully pray that this Court:

- a. Adjudge that the City has caused a private nuisance to persist, which has caused Plaintiffs damages;
- b. Order the City to immediately close the Courts for all pickleball uses;
- c. Award damages to Plaintiffs in an amount provable at trial;
- d. Awarding Plaintiffs any and all attorney's fees, costs, and other expenses reasonably incurred in connection with prosecuting the instant action; and
- e. Granting any and all other such relief as this Court deems fair and just.

**COUNT 4**  
***(Public Nuisance)***

67. The Plaintiffs repeat and reallege each and every one of the preceding Paragraphs above as if fully stated herein.

68. Plaintiff did serve notice to the City pursuant to Rhode Island General Law 45-15-5.

69. Presentment letters have been mailed to the Mayor on July 17, 2023 and the City Council on August 3, 2023, both of whom are agents of the City.

70. In their presentment letters, Plaintiffs claimed a nuisance and disturbance to residents of the Neighborhood trying to peacefully enjoy their homes, including Plaintiffs, from the use of the Courts for pickleball play.

71. More than forty (40) days have passed since the presentment letter was mailed.

72. Despite being made aware that there exists a violation of the City's ordinances, the City has taken no appropriate remedial action and has unlawfully permitted the Courts to be used for pickleball use.



73. Allowing the use of the Courts for pickleball play constitutes a public nuisance, which has created unreasonable interference with the public's rights.

74. Plaintiffs have suffered, and continue to suffer, injury greater than the injuries suffered by the general public as a result of this public nuisance, given Plaintiffs' proximity to the causes of the nuisance.

**WHEREFORE**, Plaintiffs respectfully pray that this Court:

- a. Adjudge that the City has caused a public nuisance to persist, which has caused Plaintiffs damages;
- b. Order the City to immediately close the Courts for all pickleball uses;
- c. Award damages to Plaintiffs in an amount provable at trial;
- d. Award Plaintiffs any and all attorney's fees, costs, and other expenses reasonably incurred in connection with prosecuting the instant action; and
- e. Grant any and all other such relief as this Court deems fair and just.

**COUNT 5**  
***(Negligence)***

75. The Plaintiffs repeat and reallege each and every one of the preceding Paragraphs above as if fully stated herein.

76. The City has a duty to use, operate, and maintain its property in a manner so as to not cause damage and harm to neighboring properties, including Plaintiffs' Residence.

77. The City also has a duty to enforce its ordinances, including the City's Noise Ordinance.

78. The City has negligently and repeatedly failed use its property in a manner so as to not cause damage and harm to neighboring properties and has also negligently and repeatedly failed to enforce the City's Noise Ordinance.

79. As a result of the City's actions and omissions, Plaintiffs have suffered damages in amount sufficient to establish jurisdiction of this Court.

**WHEREFORE**, Plaintiffs respectfully pray that this Court:

- a. Adjudge that the City negligently failed to use its property in a manner so as to not cause damage and harm to neighboring properties, which has caused Plaintiffs damages.
- b. Adjudge that the City negligently failed to enforce the City's Noise Ordinance, which has caused Plaintiffs damages.
- c. Ordering the City to immediately close the Courts for all pickleball uses;
- d. Award damages to Plaintiffs in an amount provable at trial;
- e. Award Plaintiffs any and all attorney's fees, costs, and other expenses reasonably incurred in connection with prosecuting the instant action; and
- f. Granting any and all other such relief as this Court deems fair and just.

**COUNT 6**

***(Intentional Infliction of Emotional Distress)***

80. The Plaintiffs repeat and reallege each and every one of the preceding Paragraphs above as if fully stated herein.

81. The City, by its acts and/or omissions, intentionally inflicted emotional distress upon Plaintiffs.

82. The City has intentionally and/or recklessly ignored the City's Noise Abatement Ordinance and all violations associated therewith.

83. The City's actions and/or omissions are intentional in a reckless disregard of the probability of causing emotional distress to Plaintiffs.

84. The City's wrongful actions were extreme and outrageous and have caused Plaintiffs to suffer extreme emotional distress.

**WHEREFORE**, Plaintiffs respectfully pray that this Court:

- a. Adjudge that the City has intentionally inflicted emotional distress upon Plaintiffs, which has caused Plaintiffs damages;
- b. Order the City to immediately close the Courts for all pickleball uses;
- c. Award damages to Plaintiffs in an amount provable at trial;
- d. Award Plaintiffs any and all attorney's fees, costs, and other expenses reasonably incurred in connection with prosecuting the instant action; and
- e. Grant any and all other such relief as this Court deems fair and just.

Dated: February 16, 2024

MONA R. BARBERA  
and WARREN GARNER

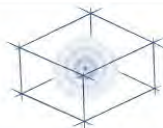
By Their Attorneys,

PARTRIDGE SNOW & HAHN LLP

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## **Spendiarian & Willis Acoustics & Noise Control LLC**

*The Form and Function of Sound*

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AcousticalNoise.com

4335 N Alvernon Way, Tucson, AZ 85718

Thursday, March 25, 2021

Sergio Mendoza

La Cañada Flintridge, CA 91011

Mr. Mendoza,

This letter comments on the noise impact on surrounding homes resulting from the planned conversion of the existing tennis court at Glenhaven Park to pickleball. The tennis court is located within 100 feet of several homes. This is rarely an issue in regard to noise from tennis activities; however, pickleball will represent a substantial increase in sound emitted from the site. While it may seem counterintuitive, even the significant background noise level produced by the nearby freeway may not be an effective sound masking source for pickleball due to the high peak sound pressure levels created by the impact of the paddle and hard plastic ball.

### **Qualifications in Regard to Pickleball Sound Abatement**

I am the Principal Acoustical Engineer at Spendiarian & Willis Acoustics & Noise Control, LLC. In that capacity, I regularly perform on site acoustical testing, community noise impact assessment, acoustical site planning, and noise abatement design for commercial and industrial sites, often near residential areas. I have been working as a consultant in environmental acoustics and noise control since 2005.

I have Bachelor, Master of Science, and PhD degrees from the Woodruff School of Mechanical Engineering at the Georgia Institute of Technology with a specialization in physical and engineering acoustics. I also received a multidisciplinary certificate in acoustics from the same institute. After finishing my PhD, I completed distance learning at the Pennsylvania State University in psychological acoustics and experimental design. This coursework covered the human sensation of hearing and the perception of sound. I have been a member of the Acoustical Society of America and the Audio Engineering Society since 1994.

Since 2010 I have assisted pickleball clubs, site planners, and home owners associations in site selection and noise abatement planning for pickleball courts. Some of these projects include: ABREGO AT GREEN VALLEY, AZ; CANOA RANCH, GREEN VALLEY, AZ; DESERTVIEW AT SADDLEBROOKE ROBSON RESORT COMMUNITY, AZ; RIDGEVIEW

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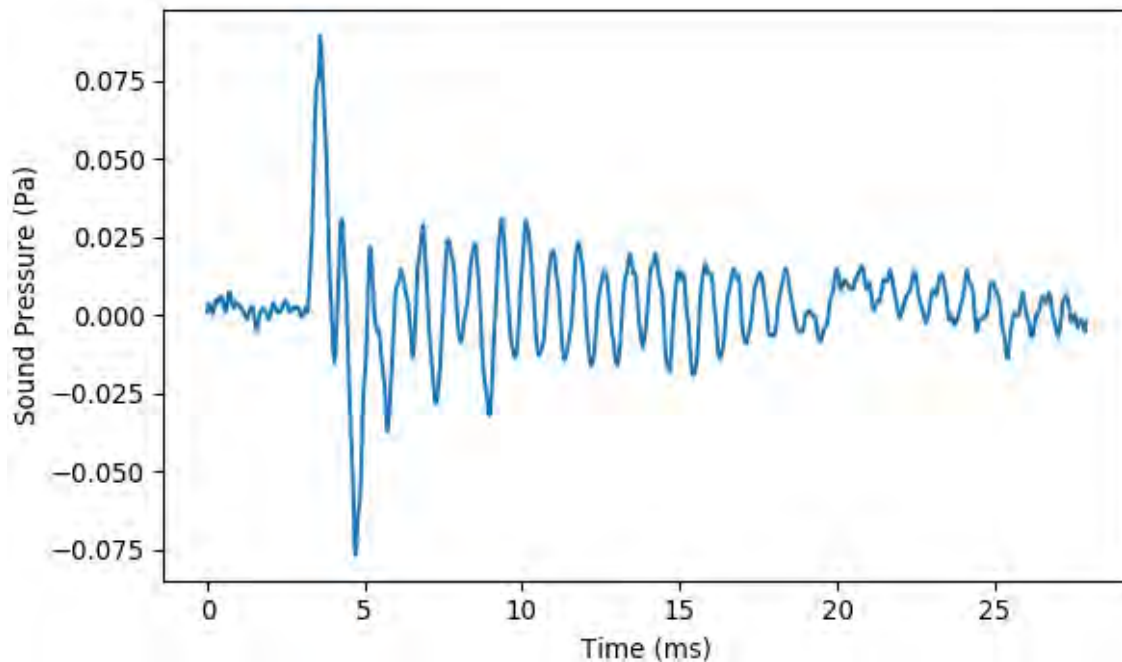
AT SADDLEBROOKE ROBSON RESORT COMMUNITY, AZ; MOUNTAINVIEW AT SADDLEBROOKE ROBSON RESORT COMMUNITY, AZ; THE PRESERVE AT SADDLEBROOKE ROBSON RESORT COMMUNITY, AZ; ROBSON AT SUN LAKES / IRON OAKS, PHOENIX, AZ; ROBSON AT PEBBLE CREEK, PHOENIX, AZ; TRILOGY AT ENCANTERRA, PHOENIX, AZ; TRILOGY AT VERDE RIVER, PHOENIX, AZ; TRILOGY AT VISTANCIA, PHOENIX, AZ; SUNFLOWER DEVELOPMENT, TUCSON, AZ; YAVAPAI HILLS HOA, PRESCOTT, AZ; OUTDOOR RECREATION PALM SPRINGS, PALM SPRINGS, CA; ELKHORN HOA, SUN VALLEY, ID; PELICAN PRESERVE, FORT MYERS, FL;and PELICAN LANDING, BONITA SPRINGS, FL.

I have also assisted home owners and home owners associations when pickleball courts have been placed close to residential properties without adequate noise abatement planning. The sites of these pickleball courts were COLUMBINE COUNTRY CLUB, LITTLETON, CO; ST MICHAEL'S BY-THE-SEA CHURCH, CARLSBAD, CA; and TRILOGY AT POWER RANCH, GILBERT, AZ.

## **Characteristics of Pickleball Sound**

The main concern in regard to noise from the pickleball courts is the sound produced by the impact of the hard plastic ball on the paddles. This sound is characterized by a sudden onset and brief duration, typically on the order of two thousandths of a second for the direct path sound (see Figure 1) thus classifying it as impulsive sound. The spectral content of the paddle impact is narrowband with a center frequency typically between 1,000 and 2,000 Hertz. This is near the most sensitive frequency range of human hearing. Although it does not meet most guidelines for tonal prominence such Annex C of ANSI S12.9 Part 4 or ANSI S1.13, it does impart a vague sensation of pitch. The acoustic radiation pattern of the paddle is more or less a dipole or figure eight pattern.

Using a foam ball such the Foam Quiet Ball made by Gamma can reduce the amount of sound from paddle impacts significantly. Spendiarian & Willis has done a comparative study of this ball and the most common regulation ball, the Dura Fast 40. The foam ball was found to be 8 to 9 dBA quieter. While this will reduce the amount of sound abatement needed, it will not necessary eliminate the need for it completely. This is especially true where homes are within 75 feet of the pickleball courts. Use of the foam ball can still be expected to produce more noise complaints than tennis.



*Figure 1. Sound Pressure Impulse Produced by Pickleball and Paddle Impact. Time is in milliseconds (0.001 seconds)*

## Comparison of Pickleball to Other Activities

There is a common misconception that pickleball is acoustically equivalent to tennis, volleyball, or many of the other activities typically found at outdoor recreation centers and parks. Numerous news articles covering disputes over pickleball noise, many of which originate when existing tennis courts are converted to pickleball, demonstrate that this is not the case:

- Adler, Erin, “Apple Valley neighbors in a pickle over pickleball noise.” Star Tribune, Minneapolis, Minnesota. March 27, 2019. <<http://www.startribune.com/apple-valley-neighbors-in-a-pickle-over-pickleball-noise/507726242/>>
- Maryniak, Paul, “Pickleball lights plan puts two HOAs at loggerheads.” Ahwatukee Foothills News, Tempe, Arizona. November 29, 2017. <[https://www.ahwatukee.com/news/article\\_9056a946-d48e-11e7-9838-8b69fb2d50b2.html](https://www.ahwatukee.com/news/article_9056a946-d48e-11e7-9838-8b69fb2d50b2.html)>



- Bottemiller, Kitty, “Too loud! Pickleball noise upsets neighbors.” Green Valley News, Green Valley, Arizona. August 28, 2013. <[https://www.gvnews.com/news/local/too-loud-pickleball-noise-upsets-neighbors/article\\_542c2aac-0f91-11e3-acdc-0019bb2963f4.html](https://www.gvnews.com/news/local/too-loud-pickleball-noise-upsets-neighbors/article_542c2aac-0f91-11e3-acdc-0019bb2963f4.html)>
- Clay, Joanna, “Woman sues Newport Beach over pickleball noise at park near her home.” Orange County Register, California. April 7, 2016. <<https://www.ocregister.com/2016/04/07/woman-sues-newport-beach-over-pickleball-noise-at-park-near-her-home/>>
- Shanes, Alexis, “Village in a pickle: How Ridgewood plans to tone down the pickleball court noise.” northjersey.com, California. January 16, 2020. <<https://www.northjersey.com/story/news/bergen/ridgewood/2020/01/16/ridgewood-nj-pickleball-noise-reduction-measures/4480463002/>>
- Monterey Herald Staff, “Pickleball noise controversy goes before city leaders Pacific Grove neighbors object to game at nearby tennis courts.” The Mercury News, California. September 19, 2019. <<https://www.mercurynews.com/2019/09/19/pickleball-noise-controversy-goes-before-city-leaders/>>
- Fraser, Patrick and Rodriguez, Ambar, “What to do about constant pickleball noise?” WSVN 7 News Miami, Miami, Florida. March 27, 2019. <<https://wsvn.com/news/help-me-howard/what-to-do-about-constant-pickleball-noise/>>
- Sutphin, Daniel, “Nixing the noise: Sound fence construction underway at Gilchrist pickleball courts.” Port Charlotte Sun, Charlotte Harbor, Florida. May 20, 2019. <[https://www.yoursun.com/charlotte/news/nixing-the-noise-sound-fence-construction-underway-at-gilchrist-pickleball/article\\_79a764de-7b1c-11e9-b4d4-6bcaa919f3f3.html](https://www.yoursun.com/charlotte/news/nixing-the-noise-sound-fence-construction-underway-at-gilchrist-pickleball/article_79a764de-7b1c-11e9-b4d4-6bcaa919f3f3.html)>

It should be clear from the above list of references that pickleball constitutes a significant change in the acoustic environment of the area surrounding the courts in comparison to tennis and must be planned for accordingly. In particular, the impulsive sound produced by the impact of the hard plastic ball on the paddle can cause significant noise impact for those living near the courts.

## Effects of Impulsive Sound

Persistent impulsive sounds create annoyance because they are similar to sounds that contain important information about our environment such as footsteps, a door opening, a tap at the window, or speech. We are sensitive to these types of sounds because they alert us to events occurring nearby that we may need to respond to. Continuous false alarms such as the popping

sound created by pickleball paddle impacts make it difficult to relax, concentrate, or sleep soundly without disturbance as each time a pop is heard it draws the attention, creating distraction.

While it is well known that high amplitude acoustical pressures can cause hearing impairment as well as other types injury to the body, lower amplitude sound can also have adverse long term physiological effects. The World Health Organization recognizes that low level noise exposure has measurable health effects.

Sound/noise is a psychosocial stressor that activates the sympathetic and endocrine system. Acute noise effects do not only occur at high sound levels in occupational settings, but also at relatively low environmental sound levels when, more importantly, intended activities such as concentration, relaxation or sleep are disturbed. [WHO p. 61]

The sympathetic nervous system is part of the autonomic nervous system and is involved in the body's fight or flight arousal response. Chronic activation of the sympathetic system leads to stress, fatigue, and anxiety.

In addition to nervous system activation, sleep disturbance from noise can involve difficulty in falling asleep as well as awakenings that occur during sleep. Frequent awakenings lead to sleep fragmentation. This disrupts the normal stages of sleep and may lead to further neurocognitive manifestations not limited to daytime tiredness, loss of concentration, morning confusion, irritability, anxiety, and depression. [WHO p. 48, 26]

Environmental noise also has implications for the cardiovascular system, metabolism, and homeostasis, the ability of the body to regulate itself.

The auditory system is continuously analyzing acoustic information, which is filtered and interpreted by different cortical and subcortical brain structures. The limbic system, including the hippocampus and the amygdala, plays an important role in the emotional processing pathways. It has a close connection to the hypothalamus that controls the autonomic nervous system and the hormonal balance of the body. Laboratory studies found changes in blood flow, [blood pressure] and heart rate in reaction to noise stimuli as well as increases in the release of stress hormones... Acoustic stimulation may act as an unspecific stressor that arouses the autonomic nervous system and the endocrine system... The arousal of the sympathetic and endocrine system is associated with changes in the physiological functions and the metabolism of the organism, including [blood pressure], cardiac output, blood lipids (cholesterol, triglycerides, free fatty acids, phosphatides), carbohydrates (glucose), electrolytes (magnesium, calcium), blood clotting factors (thrombocyte, aggregation, blood viscosity, leukocyte count) and others. In the long term, functional changes and

dysregulation may occur, thus increasing the risk of manifest diseases. [WHO p. 62-63]

The effects of stress can take many forms as seen above. Low level noise exposure that disturbs sleep and concentration are known to produce a range of diagnosable illnesses and disorders.

## **Assessing the Impulsive Sound of the Pickleball Courts**

Based on our experience working with pickleball facilities, courts located within 350 feet of residential structures often require noise abatement. Pickleball court sites within 500 to 600 feet of noise sensitive areas should be reviewed by a qualified acoustical engineer in the site selection phase of the project. Courts located within 150 feet of homes require careful and often extensive noise abatement design to avoid complaints. I have measured peak sound pressure levels from pickleball courts at a distance of approximately 75 feet exceeding 80 dBA. Recurrent peak sound pressure levels this high present a high level of distraction and noise impact for the occupants of the receiving property.

At least four residential properties are within 75 feet of the tennis court and nine within 150 feet. These homes can be expected to experience a significant increase in sound with the introduction of pickleball. At this distance the pickleball paddle impacts easily penetrate the interior of a home and will prevent the quiet enjoyment of the residents' use of their living rooms, dining rooms, bedrooms, and other spaces used for rest, family activities, and activities requiring concentration such as reading.

## **Applicable Codes and Regulations**

Chapter 5.02 of the La Cañada Flintridge Municipal Code, Regulation of Community Noise, discusses two types of sound relevant to pickleball: impulsive sound and intrusive sound. For the reasons described above, the impact of the pickleball on the paddles qualifies as impulsive sound. Intrusive sound is defined as,

noise which intrudes over and above the existing normal background noise at a given location. The relative intrusiveness of a sound depends upon its amplitude, duration, frequency, time of occurrence, and tonal or informational content, as well as the prevailing background noise level. [Section 5.02.030]

Impulsive sound that penetrates a home and affects the use of outdoor spaces such as patios meets the cited definition for intrusive sound.

Further, a 'noise disturbance' is defined as,

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sound which: (1) endangers or injures the safety or health of humans or animals; (2) annoys, disturbs, causes, or tends to cause an adverse psychological or physiological effect on a reasonable person of normal sensitivity; (3) is so harsh or prolonged as to be injurious to the health, peace and comfort of any reasonable person of normal sensitiveness residing in the area; or (4) which causes excessive noise vibrations that endangers or injures personal or real property. [Section 5.02.030]

Subsection (2) refers to annoyance as a metric for assessment in addition to the physiological and psychological effects of noise as described above. The use of the term, annoyance, can be traced back to the work of Schultz and other researchers in the 1960s and 1970s [Schultz, 1978] and is the basis of federal standards for transportation noise assessment. Current standards for noise assessment in regard to annoyance for impulsive sound include ANSI S12.9 Part 4 and ISO 1996 Part 1. The measurement methodology of the La Cañada Flintridge Code Section 5.02.100 does not correlate well with community response to impulsive sounds of short duration such as impact processes, including pickleball paddle impacts, and should not be relied on for noise assessment in this application.

## Conclusions

The addition of pickleball to a neighborhood represents a significant change in the amount of sound entering the surrounding area in comparison to other common recreational activities. This must be carefully planned for.

Based on over 10 years of experience with pickleball noise abatement, Spendiarian & Willis does not recommend this location for an open air pickleball court as compatible with adjacent residential land uses. Given the insufficient buffer distance, close proximity to homes on three sides, and our experience at similar pickleball sites, a noise abatement plan involving a sound wall system will not provide sufficient mitigation at this location. Further, photos taken from the tennis court show that the topology of the neighborhood will make an effective sound wall system infeasible as some of the homes are much higher in elevation than the tennis court. In order for a sound wall to be effective it must block the line of sight from sound source to the receiving property including upper level windows. The reflective retaining wall on the freeway side of the tennis pad will further reduce the effectiveness of a sound wall system without the application of sound absorbing panels. An effective noise abatement plan is likely to require the construction of a building with a roof to contain the impulsive sound power levels produced by pickleball.

Acoustical measurements of pickleball performed by Spendiarian & Willis in the presence of water fountains have demonstrated that the sound produced by a continuous background noise

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source must be at a very high level in order to mask the peak sound pressures produced by the impact between a pickleball and paddle. This may be on the order of 65 dBA background noise level for pickleball courts located 200 feet away. For the homes surrounding the Park, the background noise level would need to be considerably higher since they are much closer than this. Freeway noise levels this high would normally trigger a noise assessment and possible requirements to install mitigation along the roadway. It should therefore not be assumed that the road noise from the freeway will act as a masker for the pickleball courts.

The use of foam balls will reduce the need for noise abatement; however, given the residential properties within 75 feet, and in particular 1904 Parkdale Place which is approximately 25 feet from the tennis court pad, sound abatement will be needed. Unfortunately, this site is not conducive to using a sound wall system for the reasons stated above.

In summary, Spendiarian & Willis does not recommend conversion of the tennis court at Glenhaven Park to open air pickleball courts due to the difficulties in creating an effective noise abatement plan for this site. In practice, it has been our observation that enforcement of the use of specific equipment such as foam balls is difficult to ensure. Pickleball clubs that have employed this policy have found it a challenge to maintain over time and the foam balls are eventually replaced by regulation equipment. Without a clear plan for monitoring the pickleball courts the amount of sound produced on the site is likely to increase over time.

regards,



R. Lance Willis, PhD  
Principle Acoustical Engineer

## References

ANSI S12.9-2005, *Quantities and Procedures for Description and Measurement of Environmental Sound – Part 4: Noise Assessment and Prediction of Long Term Community Response*, American National Standards Institute, 2005.

ISO 1996-1, *Acoustics - Description, measurement and assessment of environmental noise - Part 1: Basic quantities and assessment procedures*, International Organization for Standardization (ISO), 2016.

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## **Pickleball Sound 103 - Mitigating Pickleball Sound - Is Pickleball Compatible with Residential Environments?**

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### **ABSTRACT**

*The popularity of pickleball has created many avid players seeking more pickleball courts in community parks, apartment complexes, homeowners' associations, country clubs, and residential neighborhoods. Existing tennis courts are often used for both tennis and pickleball. Nearby residents accustomed to sounds from tennis will hear a louder sound from pickleball and a sound with different tonal qualities. Depending on the sound level and the distance from the pickleball court, pickleball sound can be a source of annoyance. Several explanations are given why community noise ordinances fail to properly address pickleball sounds. Sound mitigation strategies for pickleball play are described that follow traditional approaches for noise control at the source, along the path, and at the receiver. These approaches include use of commercially available acoustical materials, reorientation of courts, preferred paddles and balls, new site locations, and play schedules. The expected noise reductions for each option are outlined to help determine if pickleball noise can be compatible with residential environments. Estimates of minimum distances from courts where pickleball sound will not be an annoyance are made considering the background sound and the sound mitigation in place.*

### **1. INTRODUCTION**

Pickleball is a game played with two to four players using paddles, a ball, and a net on a court that is approximately one half the length and width of a tennis court (1). Each paddle and ball impact during a game creates a short pulse of sound that varies in intensity, duration, and frequency content (2,3). For homeowners near pickleball courts, pickleball sounds can become bothersome and intrusive.

Pickleball was created in 1965 in Bainbridge Island, Washington (4) and now has a worldwide following. Its growth is a result of players being introduced to this sport during winters in Florida or Arizona and then returning to their homes in search of pickleball courts. The rapid growth of pickleball has created a demand for more pickleball courts in communities across the United States and globally. Because the game is easy to learn and is very engaging, pickleball players are passionately committed to this sport. Apps exist to locate the closest pickleball courts for any zip code.

A common solution for adding pickleball courts in many communities is to use existing tennis courts and create dual purpose courts. Tennis courts found in community parks, apartment complexes,

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homeowners' associations, country clubs, and residential neighborhoods are being used for pickleball. In some cases, tennis courts have been re-purposed as pickleball courts. In this case, up to four pickleball courts can be added in the space of one tennis court.

The popularity of pickleball has also created community and homeowner awareness of the unmistakable “popping” sound when a paddle strikes a ball. The unique time and spectral characteristics of pickleball play make these sounds easily distinguishable from other sounds. Pickleball sound levels and sound mitigation options are important to communities faced with a growing demand for more pickleball courts and to residents living close to any court where pickleball is played.

The location and design of these courts then becomes critical to avoiding noise complaints from residents who live nearby. A common question on social media is, “How far away do pickleball courts need to be to avoid noise problems?” There is no simple answer other than, “It depends.” 71

The purpose of this study is to show the differences between sound from pickleball and tennis, to review how noise ordinances address pickleball sound, to outline a measurement method and noise limit to properly quantify pickleball sound, and to describe pickleball sound mitigation strategies.

## 2. THE SOUNDS OF PICKLEBALL AND TENNIS

To compare the sounds from pickleball and tennis, the impact sound was measured with a ball drop onto a pickleball paddle and a tennis racquet mounted in a test chamber. The ball speed was 18.9 miles per hour at impact. Figure 1 shows the 1/3 octave spectrum and the maximum sound level for A-weighted, fast response (LAFmax) measurements for the paddle and the racquet impacts. The pickleball impact generates a higher overall sound level and has more high frequency content than the tennis impact.

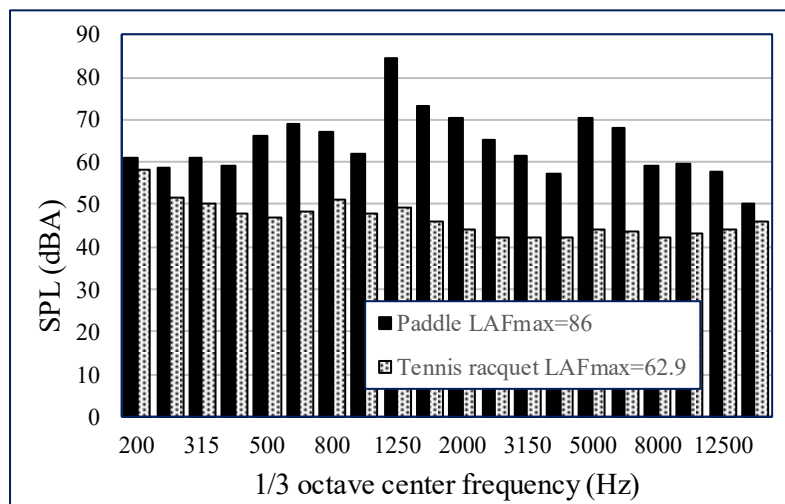


Figure 1 – Pickleball and tennis impact from a dropped ball at 18.9 MPH

The pickleball impact at 86 LAFmax is over 20 dB higher than the tennis impact at 62.9 LAFmax. This difference shows that pickleball can be 4 or more times louder than tennis. It explains why pickleball sound is receiving attention when former tennis courts are used for pickleball. The loudness of each pickleball impact can further vary based on the paddles and balls being used, the skill level of each player, and the force of each impact.

### 3. NOISE ORDINANCES AND PICKLEBALL

#### 3.1. Community noise ordinances

Noise is sound that annoys. Community noise ordinances establish noise limits so that sound is neither annoying nor bothersome, even though it may be audible. These ordinances are not intended to establish a limit where sound is inaudible. They are intended to establish a limit where the presence of sound above a background sound level will not be objectionable. The background sound level is the result of wind, birds, normal ambient activity, and traffic.

Noise ordinances vary in their ability to quantify annoyance from pickleball noise. A survey of several noise standards for US cities shows several common themes.

- Failure to address impulsive noise – Measurement methods for continuous noise understate pickleball impacts and can conclude that these impacts are in compliance with a noise limit.
- A 5 dB penalty for any noise that is impulsive noise – This adjustment adds more substance to an ordinance but often omits the noise measurement settings. Even when a 5 dB penalty is added to an impulse measurement made with a slow meter setting, this will understate the loudness of a pickleball impact.
- Limits based on average values from fast settings – Average or mean values are several standard deviations below the maximum sound that can occur. These maximum sound levels are typically the cause of annoyance.
- Limits based on dB peak – Peak noise measurements are not applicable to pickleball noise because they do not capture the duration of the impact.
- Limits based on a subjective response – Wording such as, “It is unlawful for any noise that interferes with the enjoyment of life of a reasonable person” means that a noise complaint could only be resolved with a court case.
- Exclusion of noise limits for public parks or sporting events – This exclusion would assume that a prior noise study was completed with no noise issues identified before a pickleball court was constructed.

#### 3.2. Recommended noise ordinance

A recommended noise limit for pickleball has been established based on an average LAFmax from several measurements and the background sound level. When the background sound level is below 47 dBA, the limit is an average of 50 LAFmax. The average LAFmax comes from 4 individual LAFmax measurements of 60 seconds each. When the background sound level is above 47 dBA, the limit is  $LAFmax = \text{background sound} + 3 \text{ dB}$ . This variable limit accounts for the presence of high background sound. This limit has been successfully used to quantify sound from pickleball, to evaluate the risk of pickleball noise complaints, to perform site studies for pickleball courts, and to evaluate the effectiveness of pickleball sound mitigation strategies.

### 4. PICKLEBALL SOUND MITIGATION STRATEGIES

The common approach to solving any noise control problem is to investigate solutions involving the source, the path, and the receiver (SPR). Effective noise control at the source can eliminate the need for noise control along the path or at the receiver. This can mean either reducing the sound power of the noise or controlling the noise at the source before it travels along multiple paths to a receiver. Often, all three approaches must be used to achieve the desired noise reduction.

Several sound mitigation strategies are available for reducing pickleball sound. These options can be applied at the source, along the path, or at the receiver. Some options are more effective in reducing sound. Some are easier to implement. Some are lower in cost. Some are easier to control. Each option will be described, and then, all of these will be compared.

## **5. PICKLEBALL NOISE CONTROL AT THE SOURCE**

### **5.1. Recommended paddles**

As pickleball technology has evolved, so have the new composites and materials that are being used in paddle construction. This has resulted in many different paddle designs with over 1700 paddles approved by USA pickleball for tournament play. Some paddles produce lower sound levels than others. However, the technology has not evolved to the point where any paddle can be considered a stealth paddle.

Several paddles have been tested in a chamber to identify paddles with lower noise signatures than older, louder paddles (3). These recommended paddles can be from 3 to 7 dBA quieter than the loudest paddles. The key to reducing paddle noise is to reduce paddle vibration, shift the sound energy to frequency bands below 1000 Hz, and increase damping. The green paddle list by Sun City (5) includes recommended paddles for lower noise. These paddles will reduce but not eliminate pickleball sounds.

A mandate to use paddles from an approved list is always hard to enforce for recreational players who are accustomed to playing with a preferred paddle. To help with enforcement, a community could purchase enough loaner paddles so that all players would use the same model of a quieter paddle.

### **5.2. Recommended balls**

While many plastic balls are approved for pickleball play, some balls produce slightly lower sound levels when struck with a paddle. The sound level difference among balls is much less than the difference among paddles. Balls have been tested in a chamber to select balls with lower noise signatures than some of the louder balls. These recommended balls can be from 1 to 3 dBA quieter than the loudest balls. These balls will reduce but not eliminate pickleball sounds.

A mandate to use balls from an approved list is always hard to enforce for recreational players. To help with enforcement, a community could purchase and supply balls that are considered quieter than the loudest balls and only allow pickleball play with this model of ball.

A recommended paddle and ball combination for lowest noise should be evaluated for noise at a pickleball court to compare sound levels and reactions before any restrictions or community decisions are made.

### **5.3. Court time**

Restricting court time has the effect of an on-off switch for pickleball. This can be controlled on courts with a gated entry that can be locked. However, restricted play time limits the hours of court availability. This is something a community should review based on the availability of alternate courts, the number of pickleball players, and critical times for noise such as early morning or late evening.

## 5.4. Enclosures

A simple solution to any noise problem is to build a box around the sound source so that sound does not escape. For pickleball, this means an indoor facility. The preferred enclosure for pickleball play could be a repurposed warehouse, a vacant commercial building, or a metal building. Air supported structures (known as tennis bubbles and often used for winter tennis or golf) can also enclose pickleball. The walls of an air supported structure do not provide as much transmission loss as a traditional building structure, but they may be sufficient for pickleball sound reduction. These enclosures keep the sound inside and shield nearby homeowners from pickleball sounds. An indoor pickleball facility could also provide year round pickleball play. The cost of such a facility is often offset by a membership fee or daily player fee.

## 5.5. New Site Selection

A new site is the equivalent of moving the noise source to a new location. Any new pickleball site should be far enough away from homes to avoid complaints from residents without incurring the added cost of sound mitigation. This does not mean that a new pickleball site must be remote from a city center. Alternative pickleball sites within a city center that are less likely to have noise complaints are sites near a highway, near an airport, or near an industrial zone. The higher noise limits of industrial zones, the higher background sound levels, and the lower land values of these sites often make them attractive sites for expansion of pickleball play.

Table 1 shows estimates for the minimum distance between a court and a home to avoid pickleball complaints by considering both background sound and sound mitigation. These minimum distances are determined using a reference LAFmax measured at 100 feet, sound attenuation at 6 dB per doubling of distance, sound mitigation, and a variable background sound limit. For example, if the background sound level is 45 dBA and no mitigation is in place, the minimum distance to the nearest residence should be 977 feet. At higher background sound levels and with added sound mitigation, this distance can be reduced.

Table 1 – Estimates of the minimum distance in feet from courts to avoid pickleball complaints (1)

| <b>Background sound (dBA)</b>   | <b>45 dBA</b> | <b>50 dBA</b> | <b>55 dBA</b> | <b>60 dBA</b> |
|---------------------------------|---------------|---------------|---------------|---------------|
| Distance (ft)– no mitigation    | 977           | 687           | 377           | 202           |
| Distance (ft)– 10 dB mitigation | 292           | 202           | 103           | 48            |
| Distance (ft)– 20 dB mitigation | 77            | 48            | 17            | 1             |

(1) The distances in Table 1 are based on standard sound attenuation with distance. Variations in sound attenuation with distance occur due to wind direction and speed and to atmospheric refraction. The temperature profile above the ground can bend the sound waves upward or downward (6). This can result in increases or decreases in these minimum distances.

## 5. PICKLEBALL NOISE CONTROL ALONG THE PATH

### 5.1. Acoustical Barriers

Acoustical barriers block the direct path of sound that travels from a source to a receiver. A barrier must be massive enough to block sound that could pass through it. The recommended weight for a barrier is one pound per square foot. Even with a massive barrier, a small amount of sound still passes over the



top or around the edges of the barrier via diffraction. The sound reduction with a barrier is limited by the height and width of the barrier. If the barrier height is restricted due to a local code or due to the support strength of an existing fence, then the sound reduction over the barrier will be reduced. In this case, the weight of the barrier may be reduced below one pound per square foot.

The barrier must be solid with no holes, no gaps at the bottom, and no gaps between adjoining panels. Any holes or openings will allow sound to leak to the other side. Earth mounds and buildings can function as barriers if they disrupt a direct path of sound. Shrubs, bushes, and trees are not barriers even though they block a line of sight. They are not massive and solid enough to block sound. A small amount of sound attenuation may be achieved with a dense planting of hedges, but this would not provide more than 2 to 3 dB sound reduction.

The effectiveness of any barrier is controlled primarily by its height and then by its width. The barrier must be tall enough and wide enough to minimize the sound that is diffracted or bent over the top and around the edge. Figure 1 shows multiple ray paths between one sound source and one receiver over a 30 foot tall barrier around a pickleball court using sound mapping software (6).

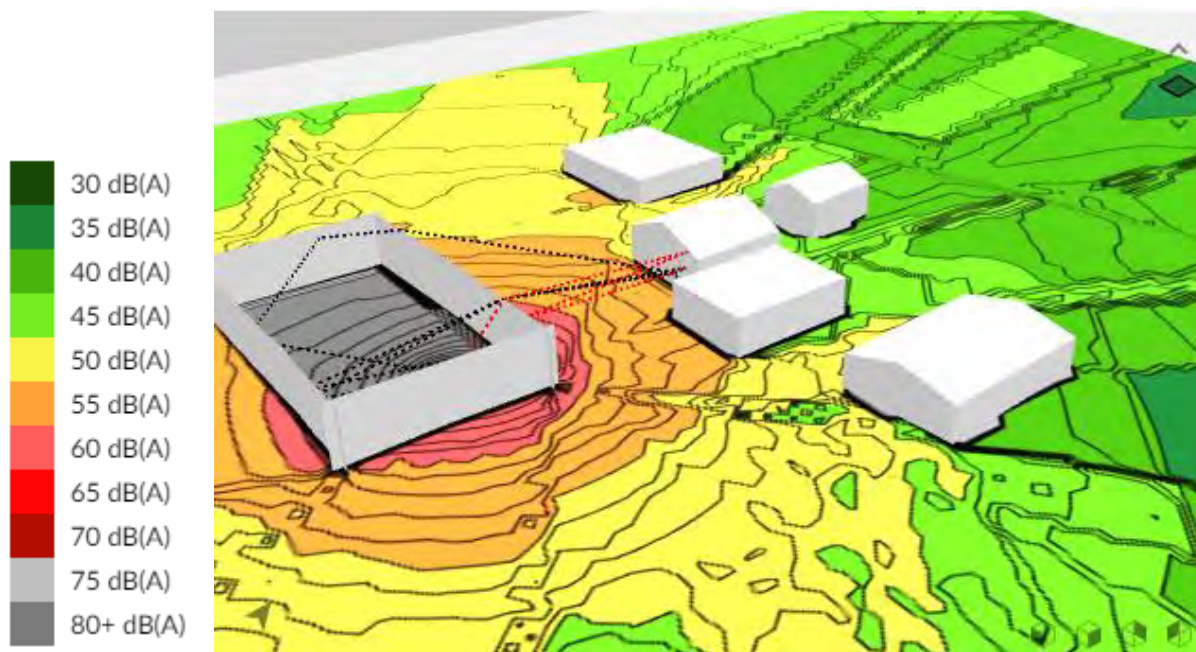


Figure 1 – Three dimensional sound map showing ray paths over 30 foot barriers to receiver

The sound attenuation by barriers 5, 10, 20, and 30 feet high was determined with the use of noise modeling software. Figure 2 shows the omnidirectional sound field from a pickleball impact with no barrier in place. Sound attenuation with distance is evident. The receiver positions are at 20 and 40 feet behind the source and at 20, 40, 80, and 160 feet in front of the source.

Figure 3 shows the sound field at the same receiver locations with a 10 foot barrier placed 10 feet from the source. On the source side of the barrier, a slight increase in dB level is seen. This is due to the sound from the front of the paddle being reflected from the barrier and combining with the direct sound from the rear. On the receiver side of the barrier, the sound level decreases with distance. At each receiver location, the difference between the sound level with no barrier and the sound level with the barrier is the barrier attenuation. Comparing Figure 3 to Figure 2, the change in sound level at each receiver

location is the added sound attenuation by the barrier. Similar sound fields were created for barrier heights of 5, 20, and 30 feet.

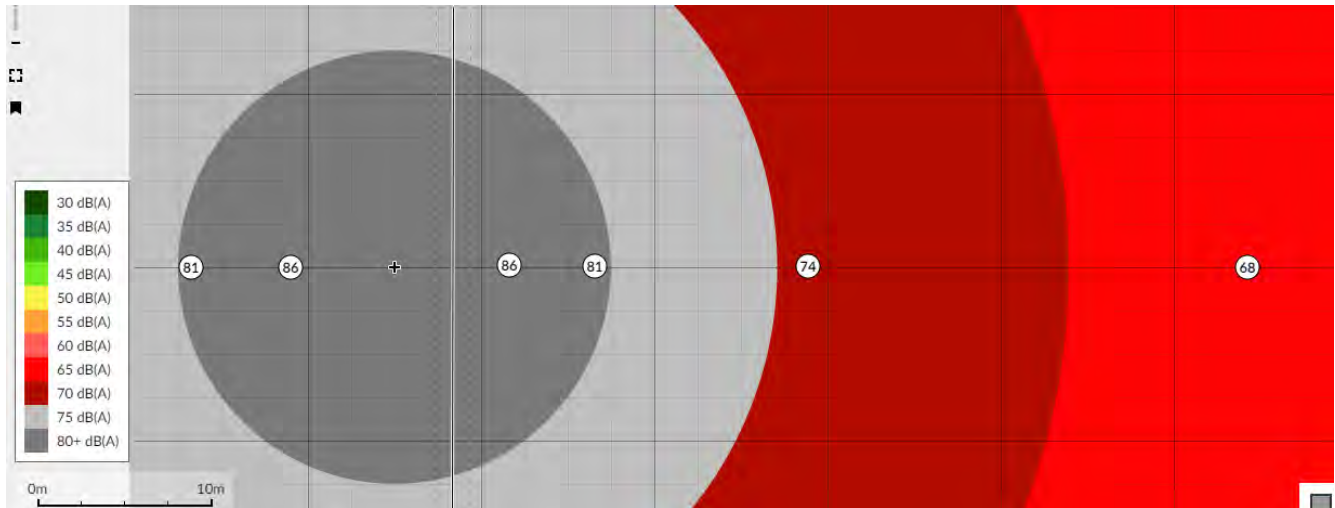


Figure 2 – Sound field with no barrier

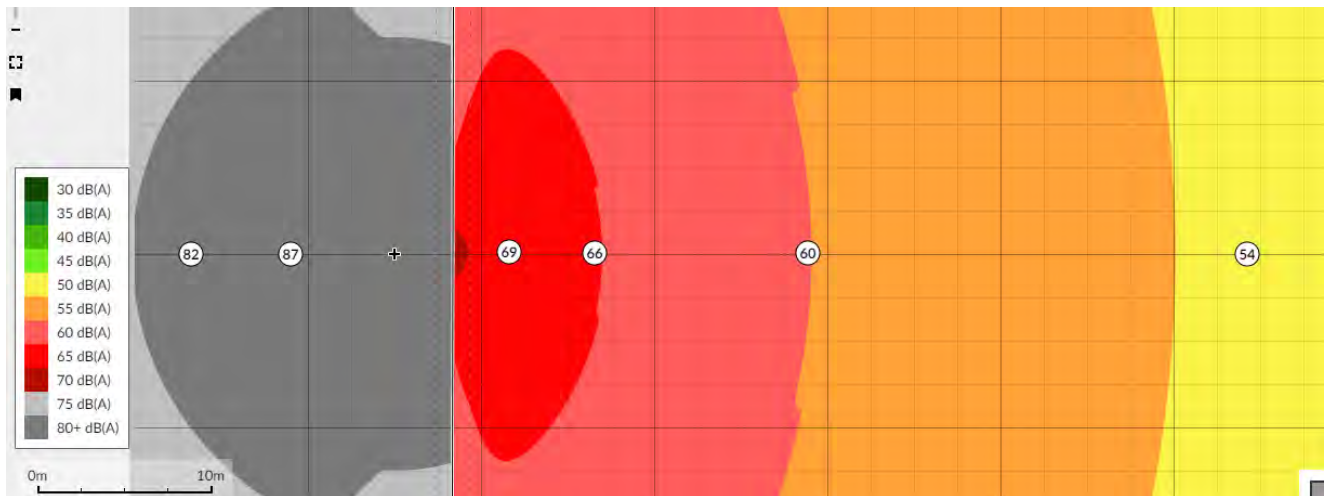


Figure 3 – Sound field with 10 foot barrier and at 10 feet from source

Figure 4 shows the added barrier attenuation at several distances from the barrier. This attenuation is in addition to the normal noise attenuation with distance. The greatest attenuation with a barrier occurs when the receiver is closest to the barrier. This is the shadow zone. At greater distances from each barrier, the added sound attenuation by each barrier is constant. A 5 foot barrier provides minimal sound attenuation, and a 30 foot barrier is unlikely to be feasible. Nevertheless, these heights are displayed to show where sound attenuation with a barrier reaches a limit. Therefore, further evaluation of 20 and 30 foot barriers will be investigated. Figure 5 shows the attenuation with 10 foot and 20 foot high barriers as the sound source is moved farther from the barrier.

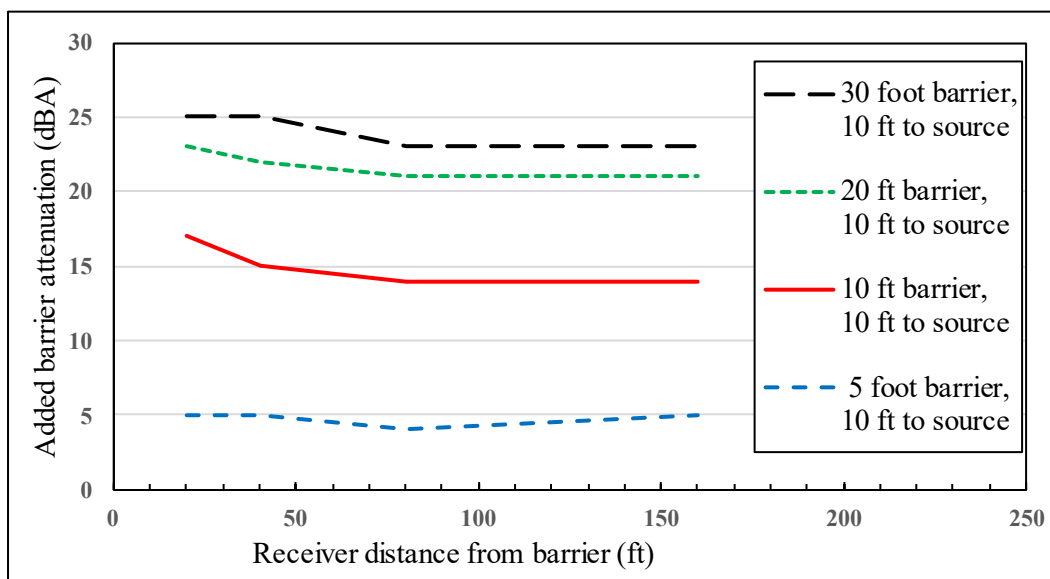


Figure 4 – Barrier attenuation with height for source at 10 feet from barrier

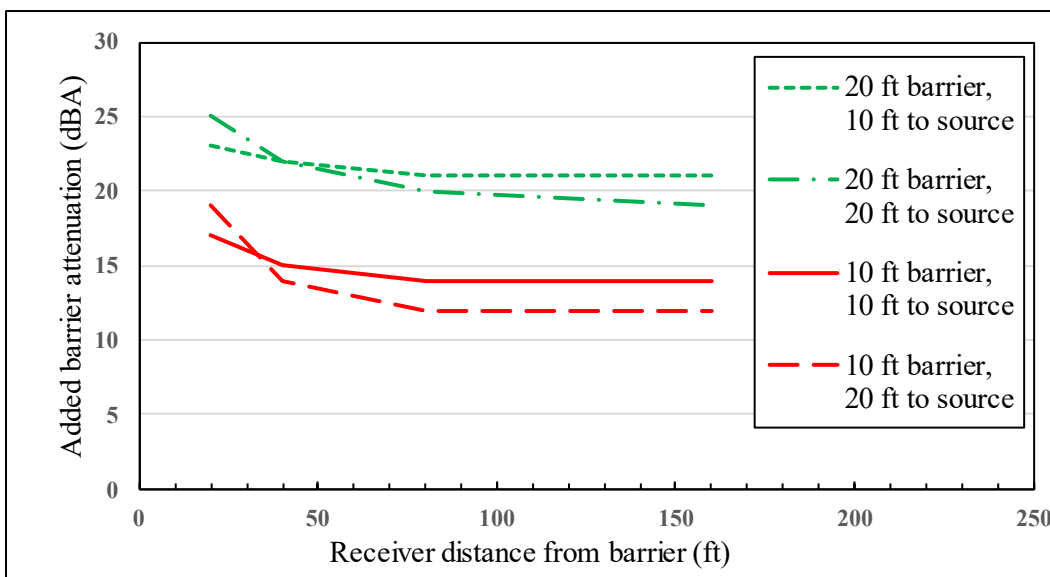


Figure 5 – Sound attenuation for 10 and 20 foot barriers for source at 10 and 20 feet from the barrier

These results from Figures 4 and 5 show the following conclusions for barriers.

- The greatest sound reduction with any barrier height occurs closest to the barrier - this is the shadow zone.
- The sound reduction with a barrier decreases as a receiver is farther from a barrier.
- An increase in barrier height from 5 feet to 10 feet provides an additional 10 dB of sound reduction.
- Smaller improvements in sound reduction occur with an increase from 10 feet to 20 feet.
- Beyond 20 feet in barrier height, the incremental sound reduction becomes less with barrier height.

The general guideline for a barrier is that lowest sound level will be measured with a receiver as close as possible to the highest possible barrier. If there are no homes exposed to direct pickleball sound on any side of a court, then a barrier can be eliminated on that side. In some cases, it may be best to enclose all four sides of a pickleball court with the highest barrier possible. A detailed acoustical mapping of any site is recommended to evaluate the noise reduction benefits of any barrier before a purchase is made. A contractor must be consulted to assure that an existing fence or a new fence can support the added weight of a barrier. Wind loads on the barrier are also to be considered.

## **5.2. Higher Barriers**

Any increase in the height of an existing barrier will provide more sound reduction. Figure 4 shows that heights beyond 20 feet will yield lower incremental sound reduction.

## **5.3. Acoustical Barriers with Sound Absorbing Liners**

Acoustical barriers block sound, but this blocked sound is then reflected in the opposite direction. If the reflected sound must be controlled for receivers in the path of the reflected sound, then barrier walls with sound absorbing surfaces should be used. The sound absorbing surface includes a weather resistant fiber covered by a weather resistant, protective, porous cloth. If reflected sound to an opposite side of the court is a problem, this can add 3 dB of additional noise reduction in this direction.

## **5.4. Court Reorientation**

Changing the court orientation 90 degrees can achieve a small reduction in sound levels due to the directivity of the pickleball sound. The sound level to the side of a paddle is 3 to 5 dB less than from the front of the paddle but this is not a constant due to the movement of players on the court. If tennis courts are being converted to pickleball or new pickleball courts are being considered, then the court orientation should be considered for sound propagation.

# **6. PICKLEBALL NOISE CONTROL AT THE RECIVER**

## **6.1. Barriers**

Barriers near the receiver provide the same sound attenuation with height and distance as barriers near the source. Figures 4 and 5 can be used to estimate barrier sound reduction near the source.

## **6.2. Sound masking**

Sound masking is the introduction of a second sound that will override or interfere with the bothersome sound. Common outdoor masking sounds include the sound from a fountain, a waterfall, ocean waves, or highway traffic. Masking sound can also be artificially created with speakers to simulate any ambient sound. For masking sound to be effective with pickleball, it must be 6 to 10 dB or more louder than the pickleball sound. These masking sounds can literally “swallow up” a lower level offensive sound, but the offending sound is now replaced by a higher level masking sound. Even at a higher sound level, the continuous masking sound may be more acceptable than intermittent pickleball impulses. If this is to be considered, a trial is recommended using a Bluetooth speaker and several masking sounds like a waterfall or a fountain at different elevated sound levels. This is because the ear can selectively differentiate between sounds with different tonal characteristics.



## 7. NOISE MITIGATION COMPARISONS

Table 2 shows a comparison of each noise mitigation strategy at the source, along the path, and at the receiver. The legend shows how each strategy can be compared. The player and resident reaction are estimates based on responses experienced from these groups on multiple projects. In some cases, applying multiple strategies will have an additive effect. This means that 10 dB barrier reduction plus 4 dB paddle reduction plus 2 dB ball reduction can achieve a total reduction of 16 dB – if paddles and balls can be controlled.

Table 2 – Comparisons of pickleball sound mitigation strategies

| Pickleball noise mitigation strategy | Maximum dB reduction | Cost to City | Ease of Control | Player Reaction | Resident Reaction |
|--------------------------------------|----------------------|--------------|-----------------|-----------------|-------------------|
| <b>Control at source</b>             |                      |              |                 |                 |                   |
| Paddles                              | < 7 dB               | 0            | ---             | -               | ++                |
| Balls                                | < 3 dB               | 0            | ---             | +               | +                 |
| Court time                           | on or off            | 0            | +++             | ---             | +                 |
| Enclosure                            | > 30 dB              | ---          | +++             | +++             | +                 |
| Tennis bubble                        | > 20 dB              | ---          | +++             | +++             | +                 |
| New site selection                   | unlimited            | ---          | +++             | +++             | +++               |
| <b>Control along path</b>            |                      |              |                 |                 |                   |
| Acoustical barriers 10 ft            | up to 15 dB          | --           | +++             | ++              | ++                |
| Higher barriers                      | < 5 dB               | ---          | +++             | ++              | +                 |
| Barriers with absorption             | < 3 dB               | ---          | +++             | ++              | ++                |
| Site re-orientation                  | < 3 dB               | -            | +++             | ++              | 0                 |
| <b>Control at receiver</b>           |                      |              |                 |                 |                   |
| Acoustical barriers 10 ft            | up to 15 dB          | --           | +++             | ++              | ++                |
| Sound masking                        | 6 to 10 dB louder    | --           | +++             | 0               | -                 |

| Key | Description      |
|-----|------------------|
| +++ | Most favorable   |
| ++  | More favorable   |
| +   | Favorable        |
| 0   | Neutral          |
| -   | Unfavorable      |
| --  | More unfavorable |
| --- | Most unfavorable |

The amount of sound mitigation required should always consider an ambient background sound level. A location near a busy highway or in an industrial zone with a higher ambient sound level than near a country club or community park will not require as much noise reduction. At a known distance from a pickleball court, Table 1 shows the sound mitigation required to have pickleball at an acceptable level depending on background sound level.

The question of whether pickleball can be compatible with residential environments therefore depends on the distance from the court to the nearest home, on the background sound level, and the sound mitigation in place. Experience has shown that pickleball courts at 100 feet or less from a home will require extreme sound control measures to be compatible with a residential environment. Pickleball courts at 100 or more feet from a home will require moderate sound mitigation for pickleball sound to be compatible. Pickleball courts at 1000 feet or more from a home will be compatible without any mitigation required. In some cases, the distance to the nearest home may be too close to allow pickleball play even with multiple noise reduction strategies in place.

## 8. CONCLUSIONS

Tests show that a pickleball impact is 4 times louder than a tennis impact and has more high frequency content. This makes pickleball play on tennis courts a potential noise problem for nearby homes. Noise ordinances do not properly quantify the sound from pickleball impacts and often understate the level of

this impact. A variable noise limit based on the relationship between LAFmax and background sound level has been successfully used to evaluate the annoyance of pickleball sound and the amount of sound mitigation required to avoid annoyance. Several sound mitigation strategies have been described when sound from pickleball play must be reduced to be compatible with a residential environment. The most effective strategy is the use of acoustical barriers which must be as tall and as close to the sound source as possible for maximum effectiveness. Quieter paddles and balls can help reduce noise but may be difficult to enforce. In general, pickleball courts less than 100 feet from a home will require extreme sound mitigation measures to be compatible with a residential environment. Pickleball courts more than 100 feet from a home will require one or more sound mitigation measures to not be considered an annoyance. At 1000 feet or more from a home, pickleball courts will not require any sound mitigation. As the number of courts increases to meet the needs of avid pickleball players, acoustical engineers must consider these sound mitigation options for pickleball to be considered a good neighbor.

## **ACKNOWLEDGEMENTS**

The authors gratefully acknowledge the pickleball players and the communities that have helped to evaluate and validate these strategies to achieve successful results for pickleball sound.

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To: Christine Symchych, Catie Anderson, Liz Sumner, Eric Fonstad, Liz Aelion, Jennie Stoltz, Greg Ollman, Scott Botcher

From: Amy Barth , 7815 N Boyd Way

Re: Town Club Pickleball Courts - Additional Findings in Support of a DENIAL

Date: April 2 , 2024 (Replaces my letter of April 1)

Scott and all members of the board,

I have done some additional research and provide you with some additional evidence that the Conditional Use Permit as written must be denied. I have also reviewed the documentation submitted by the club and have feedback on some of the materials provided.

I have inventoried the homes within 500 ft of the club to give you a better understanding of how many residents will be impacted. I also provide details about several cases across the country that have a great deal of similarity to what's happening here in Fox Point.

### **1) Lack of Formal Complaints in the last 3 years**

This is not a valid argument for several reason:

- Pickleball has shot up in popularity in our area in the last year or two. Three years ago, there weren't nearly as many people playing.
- The Town Club admits that the courts are currently in disrepair and are not being used to their full extent.
- At the Plan Commission meeting representatives of the Town Club stated they have been used at full capacity for only 3 hrs. a week until now. It is expected that the usage would significantly increase with the resurfacing and addition of more courts, leagues, lessons, etc.
- The noise was quite audible and disruptive to neighboring property enjoyment, but at the time it was unknown that it was not permitted use; therefore, I nor other neighbors did not call the police to complain.

I would also like to bring to your attention a few recent incidents regarding Town Club members playing paddleball. While it's not the same sport, it is indicative of the players lack of consideration for their neighbors:

- Feb 24 2024. I was inside my house (windows closed) around 8pm. The screams from the paddleball courts were so loud I had thought a serious accident or assault was occurring. Upon further investigation I discovered it was the sound of the players screaming and yelling. After 20 minutes of the disruption I called the police.
- Mid-March. Paddleball is supposed to end at 10pm. The lights are supposed to go off at that time. For several nights in a row the lights were not going off until around 10:15, and the players did not respect the 10pm time until a call to the police was made.
- Paddleballs routinely come into our yards which leads players to trespass on private property to retrieve balls. This creates a safety liability for all parties in the event someone is injured, or property is damaged. Who will accept the liability of cost in the event this occurs.

**2) Environmental Protection Agency**

- levels of 55 decibels outdoors and 45 decibels indoors are identified as preventing activity interference and annoyance. These levels of noise are considered those which will permit spoken conversation and other activities such as sleeping, working and recreation, which are part of the daily human condition.

**3) Village of Fox Point Ordinance § 670-2. Loud and unnecessary noise.**

- A. Loud and unnecessary noise prohibited. No person shall make or assist in making any noise tending to unreasonably disturb the peace and quiet of persons in the vicinity thereof except as described in subsection C.

The exceptions listed in subsection C do not apply to Town Club

**4) Pickleball measured noise levels.**

- Noise levels from a standard game have been measured at 65-70 decibels and at times reaching 85 decibels.

**5) Pickleball Mitigation Experts Say that Courts Should be More than 500 FT from Homes**

Exhibit A: More information and links to sources.

**6) There are 39 homes within 500 ft of the proposed courts.**

- These homes are on N Santa Monica, E MacArthur, N Regent, E Hyde Way and N Boyd Way. 13 of these homes are within 250 ft.

Exhibit B: Maps showing these homes as well as a list of addresses.

**7) Many Town Club members submitted letters of support as part of the submission to the planning commission. None of those members live within 500 ft of the proposed courts**

Exhibit C : A map showing the addresses of the club members as well as some feedback on the general theme of the comments.

**8) The Town Club Has Not Provided Any Evidence That Sound Will be Within Reason**

- The Town Club needs to provide substantial evidence that there will be no adverse affects on the neighborhood. This means they need to provide facts and information other than merely personal preferences or speculation..
- The Town Club has only provided a link to information provided by ONE vendor of a sound blanket type of product. This is marketing material, and nothing less. No evidence has been provided to indicate that this will be a sufficient form of sound abatement. The Town Club believes it will be sufficient, but that is just speculation.
- Town Club states that the product they want to purchase will reduce sound by 50%. But 50% of what? Without a sound study, what are we starting with? How will we KNOW that the product is reducing it by that much? How do we know that 50% still isn't too loud?



- At the April 1 Plan Commission meeting, one member of the commission asked the Town Club if they have done a sound study. The club's attorney stated that sound studies are expensive, and they did not want to spend the money on it. This is not a rational response to a situation affecting numerous residents in the surrounding area who have the right under law to use property and the right to enjoy said property.

## 9) Sound Abatement Plan is Crucial

Given the proximity of homes (including one house to the south within 20' and 2 story homes within 250 ft to the east) more than one abatement technique may be required, and perhaps the site may simply be ill-suited for the sport.

Exhibit D: Information presented at the **2023 conference of the Institute of Noise Control and Engineering (NOISE-CON)**. Pickleball courts more than 100 ft from a home will require one or more sound mitigation measures to not be considered a nuisance. At 1000 ft or more from a home, pickleball courts will not require any sound mitigation.

## 10) Sound Studies and Planning Lead to Informed Decisions

Exhibit E: **Libertyville IL**. Neighborhood complaints about 4 new courts. Appears as if there was no sound mitigation plan before construction.

Exhibit F: **Centennial CO**. A sound study led to a new ordinance which prohibits courts within 250 ft of residences and imposes restrictions on courts beyond that.

Exhibit G: **Glen Haven Park , LaCanada CA**. A site with just one tennis court was found to be unsuitable for pickleball even with noise abatement techniques. There are homes within 100 ft and a freeway on one side.

Exhibit H: **GreenBriar Hills Country Club, Kirkwood MO**. The courts were built under the caveat that a sound study was to be conducted before use. The study was performed Oct 23 and the courts are closed as the noise exceeds the noise ordinance.

Exhibit I: **Eisenhower Park, Denver CO**. After complaints from neighbors, limiting hours and investigating sound mitigation options, 4 courts were closed.

Exhibit J: **Mona Barbera vs City of Newport (RI)**. In 2012 Dr. Barbera purchased a house adjacent to the tennis courts at a park. As long as the courts were used for tennis, there was no noise issue. Once the courts were converted to pickleball the noise problems started. This is a 2024 lawsuit that is in progress.

## 11) Assessor Letter is Inconclusive

The letter from the assessor retained by the Town Club simply states that a few homes in the vicinity of the Town Club a Ellsworth recently sold for more than they did the last time the house was sold. This is insignificant given the current market and the number of courts being proposed.

Would they have sold for more? When the market changes and there are excess homes

available, and a buyer has the choice of a home near 8 pickleball courts and one that is not, which will they choose?

Also it is important to consider the number of pickleball courts.

- Ellsworth has **TWO** pickleball courts
- Town Club is currently (without permit) playing on **FOUR or FIVE** courts that are in need of repair and as the club has admitted are not being used to their full extent.
- Town Club is seeking to have **EIGHT** courts, along with leagues, lessons and social mixers.

The amount of noise that will be generated will be significantly increased and will have an impact on the neighborhood property values.

### **12) Why has the Town Club Been Allowed to Play without a Necessary Permit?**

Last week I spoke with Scott Botcher and asked why the Town Club has been allowed to play pickleball without a permit. Scott stated that this is police business, so I called Chief Freedy. Chief Freedy explained that it is a zoning matter, and that the PD doesn't always know what conditions are in place for each business. They do not monitor such things and would react only based on complaints or direction from the village.

What good is a Conditional Use Permit if nobody monitors / enforces compliance?

### **13) Any Limitations Must be Clear and Include a Means of Monitoring/Enforcement**

In the case that the Town Club does provide an acceptable sound study and mitigation plan, any restrictions that the Village places on their use must have a clear means of monitoring and enforcement. If there is an end time, who will ensure that the players are aware of and abide by them? What if they don't? Who will monitor and take action? This should not be left to the neighbors.

### **14) Plan Commission Recommendation is Not Measurable**

At the April 1 meeting the planning commission moved to recommend approving the application with the condition:

- That sound mitigation efforts be applied to reduce the pickleball sound by 50%.
  - o I've addressed this earlier, but again I'll say "50% of what?" and "is that enough"?
- Have a formal review of the noise level and nuisance level at the end of the season.
  - o This is vague. What kind of review? By whom? A sound study? How will this be performed and measured?

To be honest, I was more than a bit disappointed, as the Town Club has not provided any facts to support their request.

I'll end by saying that the residents in the neighborhood ARE entitled to the "right to quiet enjoyment" We have the right to inhabit and use our property without disturbance.

The Town Club attorney even went so far as to say that resident's enjoyment of property is not something that is measurable and some people will always complain. That is disrespectful to the residents and frankly to the village as a whole – this statement tells me that the Club doesn't care about the neighbors.

Thank you again for your time in reading and considering the documentation I submit.

Amy Barth

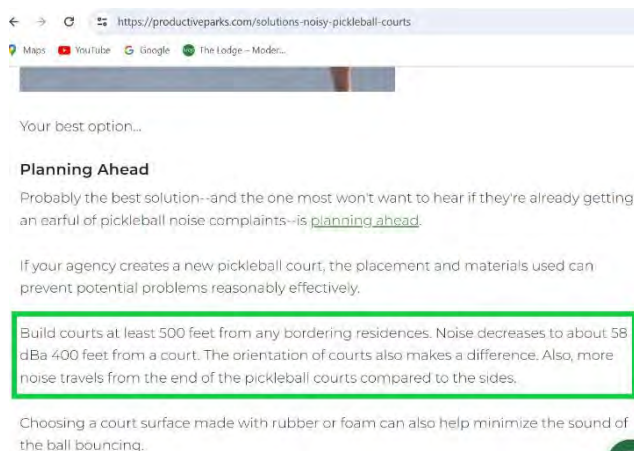
7815 N Boyd Way

## Exhibit A

### Pickleball Courts Should be More than 500 FT from Homes.

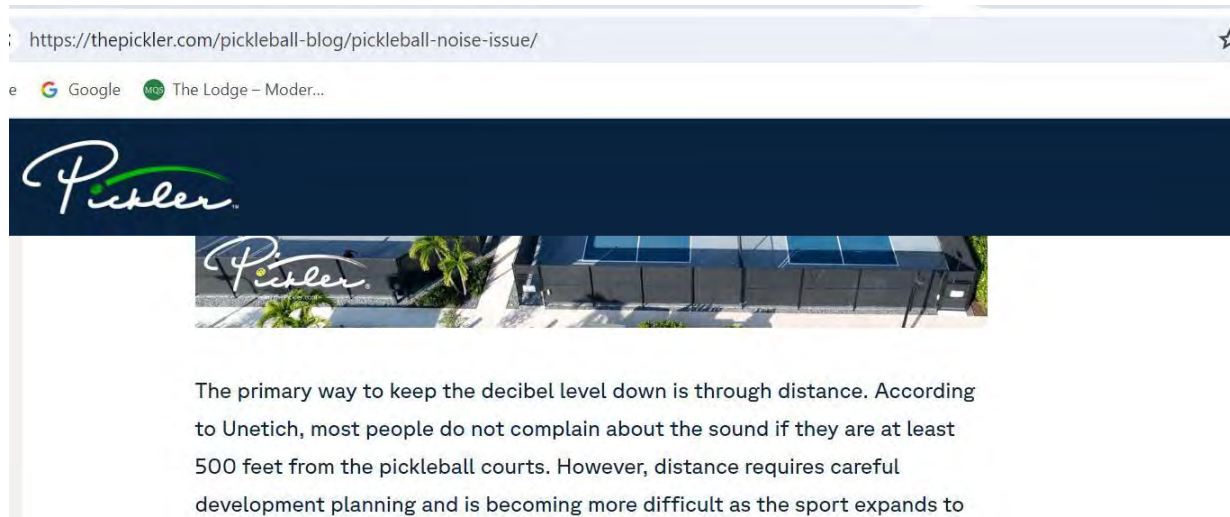
I have found several legitimate sources that state that pickleball courts, even with sound mitigation need to be at least 500 ft from residences. Here are a few references:

**Productive Parks** – a company that specializes in parks and rec maintenance and asset management systems. An article on their site <https://productiveparks.com/about-productive-parks> states that courts should be built at least 500 ft from any residences.



**Bob Unetich** . An electrical engineer by training, active now as a consulting engineer specializing in pickleball sound mitigation. <https://pickleballsound.com/about/>

In this pickleball blog post <https://thepickler.com/pickleball-blog/pickleball-noise-issue/> Mr Unetich is credited for saying that “most people do not complain about the sound if they are at least 500 feet from the pickleball courts.”





A study by Yale University and Mr Unetich shows that that at 100 ft the sound of pickleball is slightly less than that of a vacuum cleaner. That level of noise should not be imposed on any neighbors, at any time of the day. This chart was published in <https://thehustle.co/one-mans-quest-to-make-pickleball-quiet>



## Exhibit B

### 39 Homes Within 500 FT of the Proposed Pickleball Courts.

Using the radius tool within mapdevelopers.com I created a map showing a 500ft radius from each of the 4 corners of the proposed courts. I then added a green dot on each property within the circles.

I did a similar map to identify the homes within 250 ft. There are 13 homes within 250 ft. The maps can be found on the following pages.

There are 39 homes within 500 ft, including homes on 5 streets:

- N Santa Monica,
- MacArthur,
- Regent,
- E Hyde Way
- N Boyd Way

### Fox Point Homes Within 500 Ft of Proposed Town Club Pickleball Courts

#### Homes within 250 FT are identified with \*\*

| West of the Town Club                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | East of the Town Club                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>1. 7711 N Santa Monica</li> <li>2. 7720 N Santa Monica **</li> <li>3. 7721 N Santa Monica</li> <li>4. 7740 N Santa Monica **</li> <li>5. 7751 N Santa Monica **</li> <li>6. 7801 N Santa Monica **</li> <li>7. 7807 N Santa Monica **</li> <li>8. 7815 N Santa Monica</li> <li>9. 7821 N Santa Monica</li> <li>10. 480 E MacArthur</li> <li>11. 510 E MacArthur</li> <li>12. 520 E MacArthur **</li> <li>13. 511 E MacArthur</li> <li>14. 7710 N Regent</li> <li>15. 7760 N Regent</li> <li>16. 7765 N Regent</li> <li>17. 7800 N Regent</li> <li>18. 7801 N Regent</li> <li>19. 7808 N Regent</li> <li>20. 7816 N Regent</li> </ol> | <ol style="list-style-type: none"> <li>21. 804 E Hyde Way</li> <li>22. 805 E Hyde Way</li> <li>23. 808 E Hyde Way</li> <li>24. 7711 N Boyd Way</li> <li>25. 7716 N Boyd Way</li> <li>26. 7717 N Boyd Way</li> <li>27. 7722 N Boyd Way</li> <li>28. 7723 N Boyd Way **</li> <li>29. 7735 N Boyd Way **</li> <li>30. 7745 N Boyd Way **</li> <li>31. 7801 N Boyd Way **</li> <li>32. 7805 N Boyd Way **</li> <li>33. 7808 N Boyd Way</li> <li>34. 7811 N Boyd Way **</li> <li>35. 7814 N Boyd Way</li> <li>36. 7815 N Boyd Way **</li> <li>37. 7820 N Boyd Way</li> <li>38. 7823 N Boyd Way</li> <li>39. 7829 N Boyd Way</li> </ol> |

## 500 Ft Radius – 39 Homes:

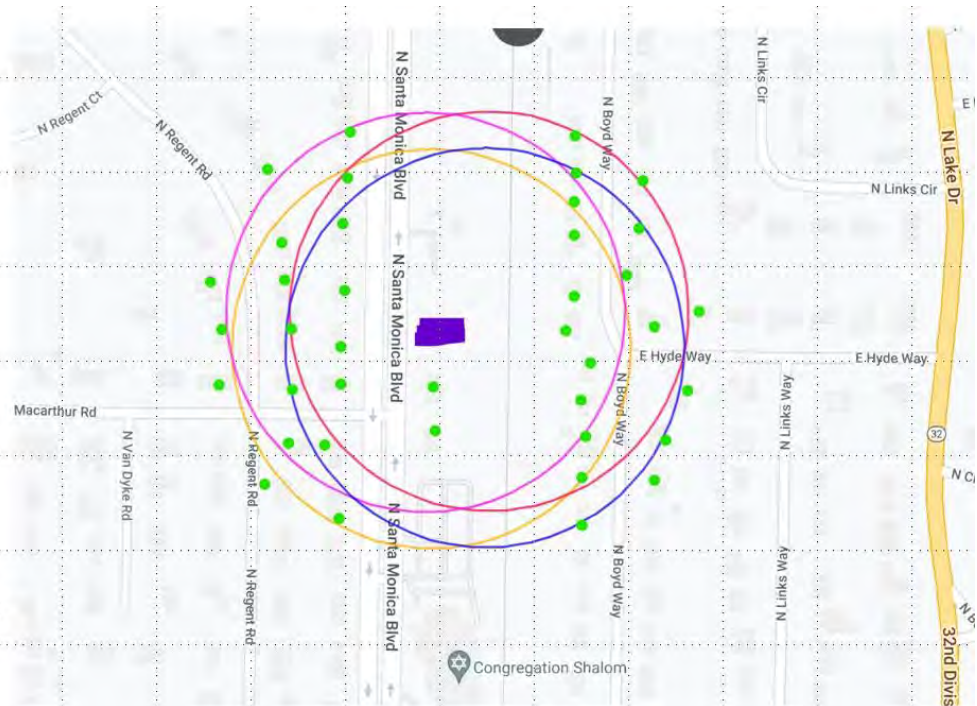
### 39 Homes Within 500 Ft of the Proposed Town Club Pickleball Courts

Each circle represents  
a **500 ft radius** from a  
corner of the tennis  
courts .

**Purple:** The proposed  
courts

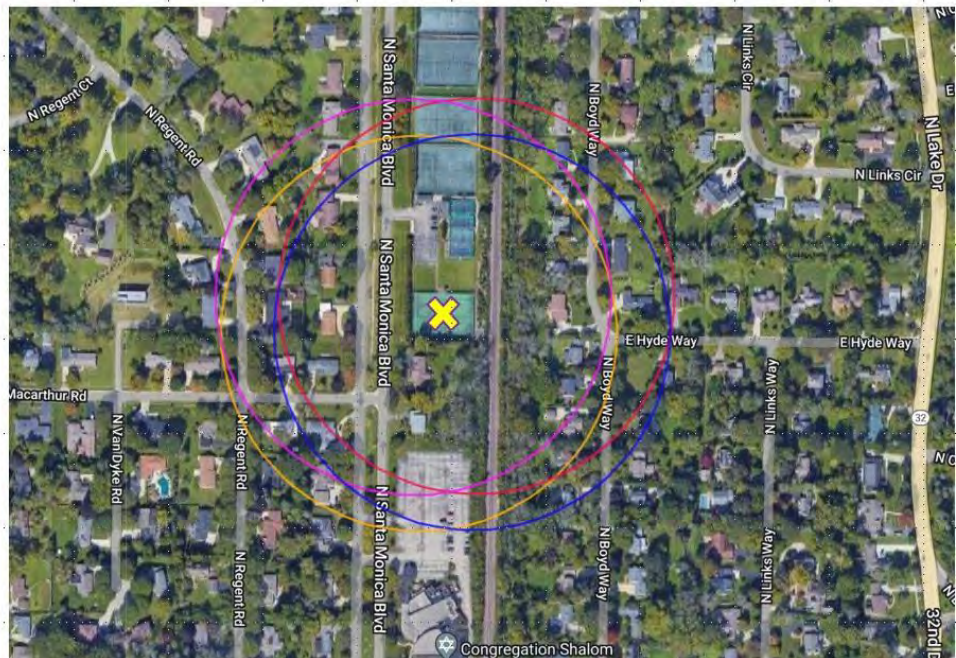
**Green:** The 39 homes

Properties are  
included when the  
home is just outside a  
circle but it's clear that  
at least part of the  
property is in a circle.



### Satellite View of the Same Map, with the exact same circles.

Yellow X marks the  
proposed courts.



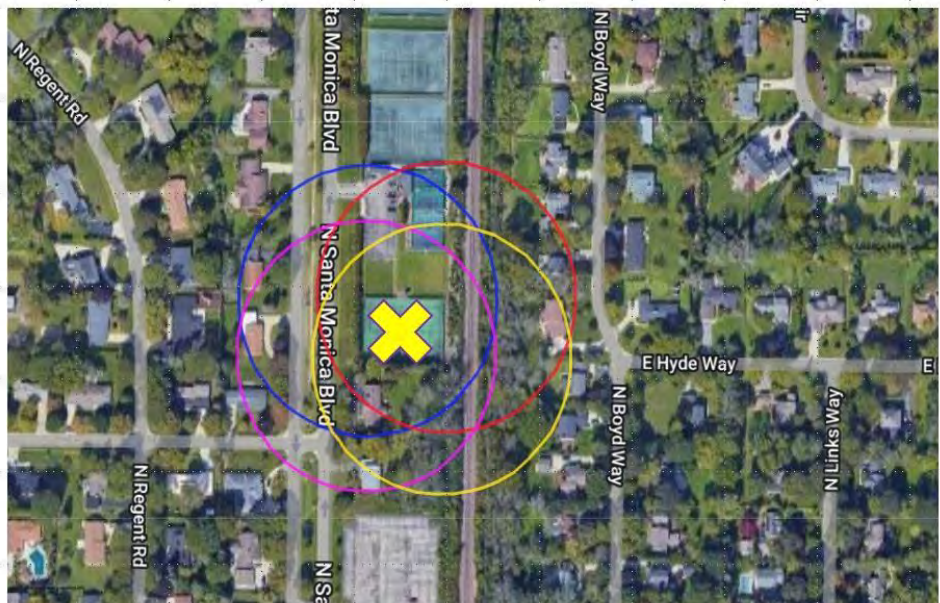


## 250 Ft Radius – 13 Homes



**Satellite View of the 250 ft Map, with the exact same circles.**

**Yellow X marks the proposed courts.**





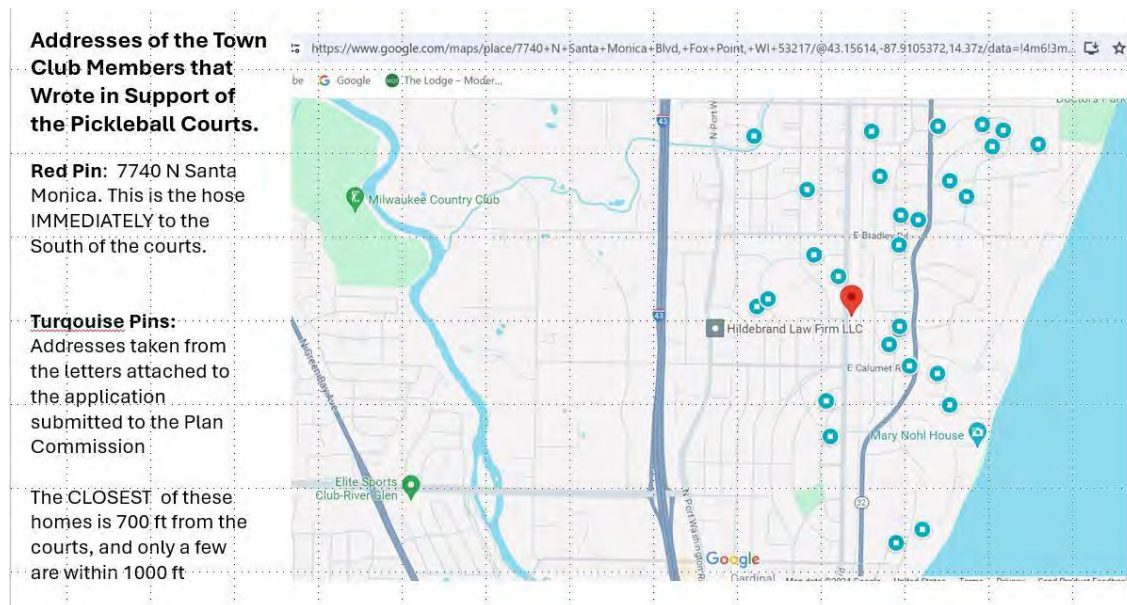
## Exhibit C

**TC Letters of Support: None From Members within 500 ft of Courts**

In Exhibit 4 of the most recent submission the plan commission, the Town Club included letters from 59 signatories indicating their support.

I created a map showing these addresses in relation to the courts. Note that I was not able to pin the exact location of the courts as they do not have an address, so I pinned the house that is immediately to the south of the courts (within 20 ft),

**NONE** of these supporters live within 500 ft of the courts. The closest home is 7901 N Santa Monica with is 700 ft away



**It's very easy to say that the noise will not be a nuisance when it doesn't affect you.**

Some of the comments also mentioned, and I paraphrase for summary purposes:

- **“The courts are across the street from most of the houses”**. This ignores the fact that there are houses next to and behind the courts, and that sound travels.
- **“The railroad is noisier”**. No, no it’s not. The train comes through at a rumble at most 2-3 times a day. It is loud, but it is not a high pitched sound and it passes within 5 minutes. So at most, if I’m home 24 hrs a day I would hear the train for about 15 minutes. Pickleball will be for hours and hours a day, every day. They cannot be compared.
- **“They bought their houses knowing the courts were there”**. Yes, that is true. No one is complaining about tennis. The sounds of tennis are significantly quieter and at a less irritating frequency. Tennis has a lower density of people and the ball strikes are not as frequent. You cannot compare 4 tennis courts to 8 pickleball courts. See Exhibit J for a current lawsuit regarding the conversion of tennis courts.

## **Exhibit D**

### **Information Presented at NOISE-CON 2023**

One of the topics at NOISE-CON 2023 was: Pickleball Sound 103 - Mitigating Pickleball Sound - Is Pickleball Compatible with Residential Environments?

I am attaching a copy of the 11 page report. (Note that the handwritten notes on the document are NOT from me – they were on the copy of the report I downloaded)

Here is the conclusion on this report:

#### **Conclusions:**

Tests show that a pickleball impact is 4 times louder than a tennis impact and has more frequency content. This makes pickleball play on tennis courts a potential noise problem for nearby homes. Noise ordinances do not properly quantify the sound from pickleball impacts and often understate the level of this impact .....

... In general, pickleball courts less than 100 ft from a home will require extreme sound mitigation measures to be compatible with a residential environment. Pickleball courts more than 100 ft from a home will require one or more sound mitigation measures to not be considered a nuisance. At 1000 ft or more from a home, pickleball courts will not require any sound mitigation.

## Exhibit E:

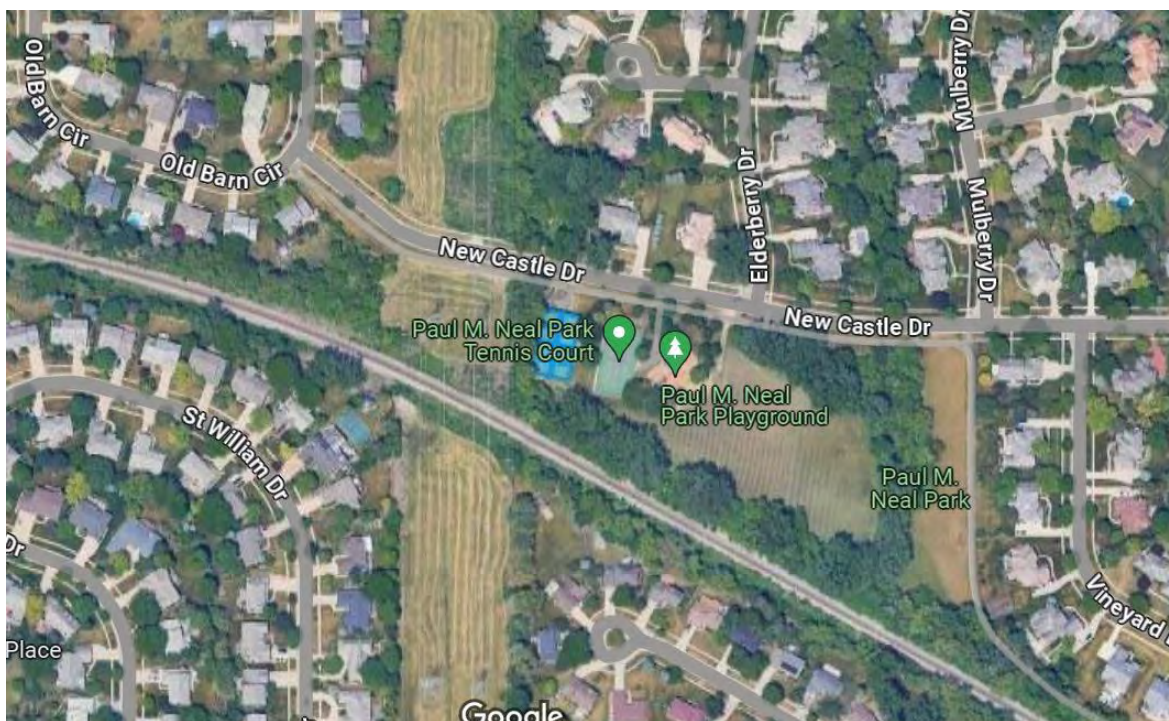
### City of Libertyville IL Paul Neal Park Pickleball Courts

In 2023 the City of Libertyville added 4 courts in Paul Neal Park. Neighbors as far as 4 blocks away have complained about the noise. As of August 2023 the city is looking for solutions.

<https://patch.com/illinois/libertyville/pickle-ball-noise-causes-headaches-neighbors-libertyville>

<https://www.msn.com/en-us/tv/news/neighbors-blast-new-pickleball-courts-for-making-such-a-racket/ar-AA1d42Rc>

A map shows far fewer homes and more green space than we have here. The pickleball courts are shown in blue on this map.



## Exhibit F:

### City of Centennial Colorado Bans Courts within 250 FT of Residences After Conducting Sound Study

In March 2023 the city council [passed a six-month moratorium](#) on new applications or approvals for outdoor pickleball courts within 500 feet of residential uses.

The Sound Study can be found here:

<https://www.centennialco.gov/files/sharedassets/public/v/1/documents/city-projects-and-initiatives/centennial-pickleball-noise-assessment.pdf>

In September 2023 the ban was lifted with the introduction of new rules and regulations that ban outdoor courts within 250 ft of residences, and require a noise impact assessment for any courts between 250-600 ft and limit hours.

<https://www.centennialco.gov/Government/City-Projects-and-Initiatives/Pickleball>

https://www.centennialco.gov/Government/City-Projects-and-Initiatives/Pickleball

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## Pickleball Regulations



On September 19, 2023 Centennial City Council voted unanimously to approve Ordinance No. 2023-O-10 creating regulations for Outdoor Pickleball Courts within the City. These regulations are in effect immediately and include the following:

### Permanent Outdoor Pickleball Courts



- Permanent Outdoor Courts include courts that have painted pickleball lines or have tape or chalk lines that are not removed daily.
- Permanent Outdoor Courts are prohibited within 250 feet of residentially zoned or used properties;
- An Outdoor Pickleball Court Permit is required for Permanent Outdoor Courts located between 250 to 600 feet of residentially zoned or used properties;
- Noise mitigation for Permanent Outdoor Pickleball Courts established from 250 to 600 feet of residentially zoned or used properties shall be required pursuant to a Noise Impact Assessment;
- Permanent Outdoor Courts (including lighting) can operate between 8 a.m.-8 p.m.;
- Permanent Outdoor Courts can create no more than 47 decibels at the nearest residential property line.

### Temporary Outdoor Pickleball Courts



## Exhibit G

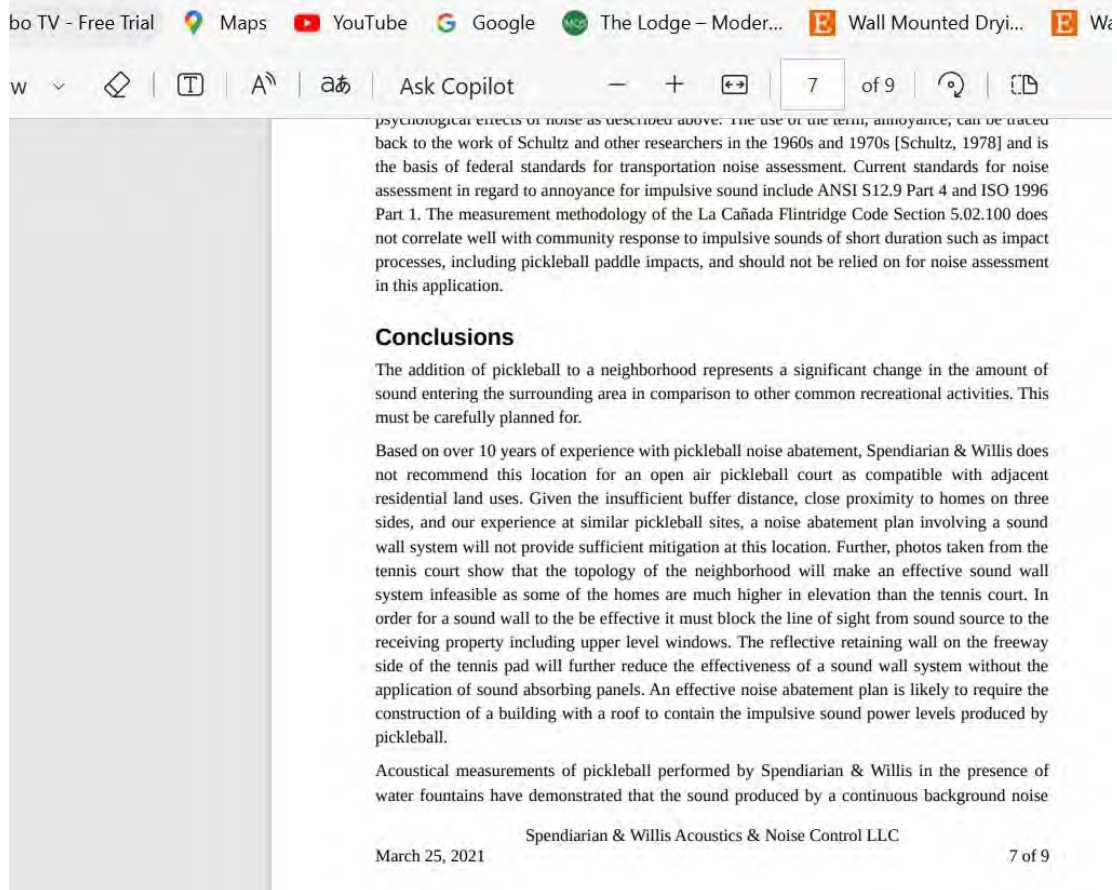
## GlenHaven Park, LaCanada CA: Pickleball Program Shut Down

After complaints from the neighbors and a sound study that showed that even with noise abatement measures the site was not suitable for pickleball, the program was discontinued.

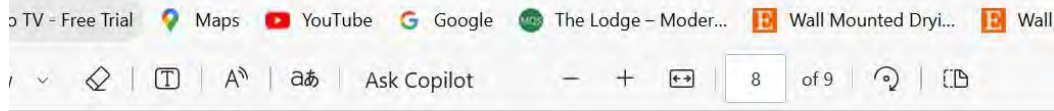
A map of the park shows that there are several homes in close proximity (similar to The Town Club). There is only 1 tennis court, so at most they had 2 pickleball courts. This site is also abutting the San Fernando freeway.

The full sound study conducted in March 2021 sound study by Spendiarian and Willis Acoustics and Noise Control is attached and led to the following conclusions:

C:/Users/jumpi/AppData/Local/Packages/microsoft.windowscommunicationsapps\_8wekyb3d8bbwe/LocalSta



C:/Users/jumpi/AppData/Local/Packages/microsoft.windowscommunicationsapps\_8wekyb3d8bbwe/LocalState/



source must be at a very high level in order to mask the peak sound pressures produced by the impact between a pickleball and paddle. This may be on the order of 65 dBA background noise level for pickleball courts located 200 feet away. For the homes surrounding the Park, the background noise level would need to be considerably higher since they are much closer than this. Freeway noise levels this high would normally trigger a noise assessment and possible requirements to install mitigation along the roadway. It should therefore not be assumed that the road noise from the freeway will act as a masker for the pickleball courts.

The use of foam balls will reduce the need for noise abatement; however, given the residential properties within 75 feet, and in particular 1904 Parkdale Place which is approximately 25 feet from the tennis court pad, sound abatement will be needed. Unfortunately, this site is not conducive to using a sound wall system for the reasons stated above.

In summary, Spendiarian & Willis does not recommend conversion of the tennis court at Glenhaven Park to open air pickleball courts due to the difficulties in creating an effective noise abatement plan for this site. In practice, it has been our observation that enforcement of the use of specific equipment such as foam balls is difficult to ensure. Pickleball clubs that have employed this policy have found it a challenge to maintain over time and the foam balls are eventually replaced by regulation equipment. Without a clear plan for monitoring the pickleball courts the amount of sound produced on the site is likely to increase over time.

regards,

R. Lance Willis, PhD  
Principle Acoustical Engineer

## References

In an October 2022 city council meeting, the topic was discussed and the program at the park ended [https://lacanadaflintridge-ca.granicus.com/MetaViewer.php?view\\_id=4&clip\\_id=1076&meta\\_id=36574](https://lacanadaflintridge-ca.granicus.com/MetaViewer.php?view_id=4&clip_id=1076&meta_id=36574)

Pickleball Program At Glenhaven  
October 18, 2022  
Page 2 of 3

### **Complaints/Comments from the Community**

The pickleball program proved very popular among the community of pickleball players. The LCF Pickleball Association and resident pickleball players have voiced their support to continue the pilot until the permanent courts are built.

The City has continued to receive multiple complaints from the neighbors near/immediately adjacent to the courts throughout the pilot program and the current pickleball program. Similar to the objections presented when the initial pilot discussions occurred, the major complaint is the noise level due to the introduction of pickleball in the area. The City has also received a complaint regarding increased parking due to the activity. Finally, a complaint has been submitted that some players are not using "quiet" gear during their play. As previously stated, the City would not be able to enforce such rules without having a City staff person present to enforce the gear being used. Based on the sound study, it is also important to note that the noise level did not exceed most of the audio receptors, regardless of the gear used.

Based on the professional sound study, receptor NM3 exceeded the ambient noise levels by 3 dB or more during all measured pickleball hours.

<https://cityoflcf.org/pickleball-program-at-glenhaven-park-to-end-october-28/>

https://cityoflcf.org/pickleball-program-at-glenhaven-park-to-end-october-28/

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## Pickleball Program at Glenhaven Park to End October 28

On October 18, the LCF City Council voted to discontinue the limited pickleball program at Glenhaven Park. The program will end on Friday, October 28. Following the vote, the City Council directed staff to research noise mitigation options for future consideration and possible reinstatement of the program.

Through partnerships with the La Cañada Flintridge School District and YMCA, the City will continue to provide publicly accessible pickleball courts at other locations. One alternative location is a court located next to the La Cañada Flintridge Skate Park on Cornishon Avenue available on Saturdays and Sundays from 8 a.m. to 10:30 a.m. and 3:30 p.m. to 6:30 p.m. This option may be modified or terminated based on the District's approval. The YMCA pickleball courts are also available to the public, including non-members, on Mondays, Wednesdays and Fridays from 9 a.m. to 1 p.m. Reservations are required to utilize the YMCA courts.

For more information on the limited pickleball program, visit the [City of La Cañada Flintridge website](#).

October 27th, 2022





## Exhibit H

### GreenBriar Hills Country Club, Kirkwood MO

Before the courts were built, the neighbors asserted that the sound would be a problem. The city granted permission to build the courts under the caveat that a sound study was to be conducted before use. The study was performed Oct 2023 and the courts are closed as the noise exceeds the noise ordinance.

[https://www.timesnewspapers.com/webster-kirkwoodtimes/greenbriar-hills-pickleball-courts-fail-sound-test/article\\_b75ed300-6e80-11ee-ad60-e718bb1dd805.html](https://www.timesnewspapers.com/webster-kirkwoodtimes/greenbriar-hills-pickleball-courts-fail-sound-test/article_b75ed300-6e80-11ee-ad60-e718bb1dd805.html)

https://www.timesnewspapers.com/webster-kirkwoodtimes/greenbriar-hills-pickleball-courts-fail-sound-test/article\_b75ed300-6e80-1... 🔍 ☆

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Kirkwood

### Greenbriar Hills Pickleball Courts Fail Sound Test

Courts cannot be used until they are brought into compliance.

Melissa Wilkinson Oct 23, 2023 Updated Oct 23, 2023

f x m e b i



Residents who live near Greenbriar Hills Country Club in Kirkwood have been proven correct in their concerns that the club's new pickleball courts are disruptively loud.

According to Jonathan Raiche, the city of Kirkwood's planning and development services director, the city reviewed an acoustical study performed at the new courts on Oct. 13 and determined the ball whacks created by pickleball players exceed the county's noise ordinance. The country club is located at 12665 Big Bend Blvd.

According to Raiche, Greenbriar Hills Country Club has already inquired about installing additional sound mitigating fencing, and planning staff is in the process of review.

"If found to comply with applicable codes, the current fence permit will be amended with this proposed revision," said Raiche. "The new courts will not be able to be used for pickleball until they

**LATEST EDITION**

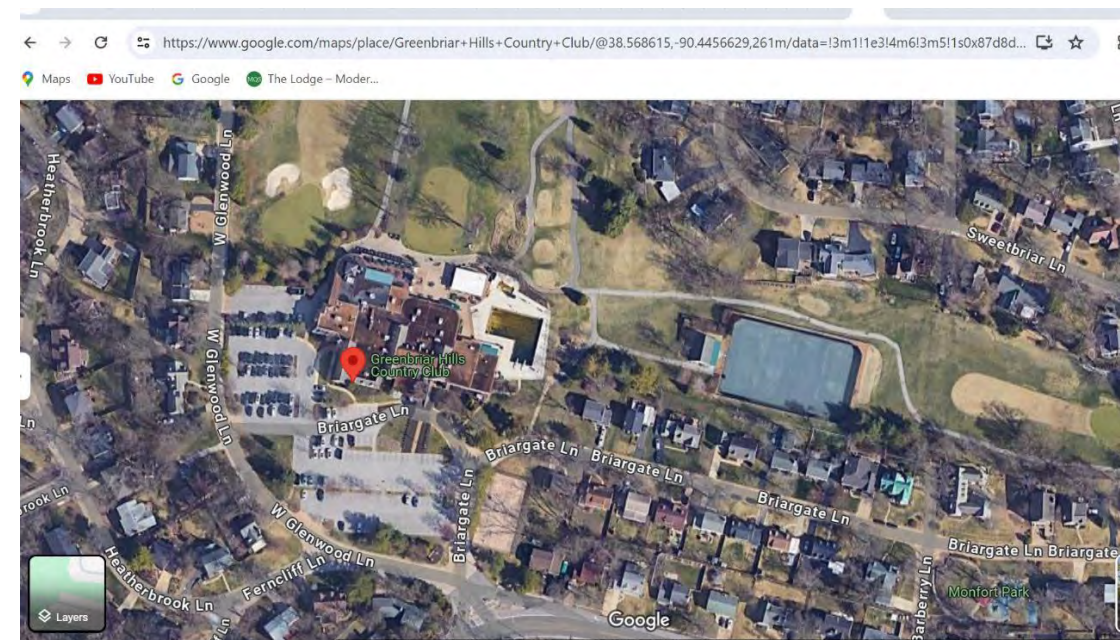
Webster-Kirkwood Times  
Mar 22, 2024

**SPRING INTO THE CLASSICS**  
APRIL 7th at 7PM  
The Webster-Kirkwood Times presents a special event featuring a collection of classic films and music.

**CREATE AN EVENT**

Search for events

APR 7 Classical





## Exhibit I

### Eisenhower Park, Denver CO

Four courts at this Denver park were permanently closed in Nov 2023 and will be repainted back to tennis courts.

In the articles below, you will see that the city learned that:

- Courts should be at least 600 ft from homes.
- Fence mounted noise abatement is not likely to be successful at very close proximities
- Fence mounted noise abatement would not be successful because the fences are not high enough to block sound from nearby two-story homes

<https://www.westword.com/news/eisenhower-pickleball-courts-second-shut-down-in-denver-this-year-18129976>



<https://www.cbsnews.com/colorado/news/pickleball-courts-eisenhower-park-denver-close-noise-violations/>



For those interested in further information on sound mitigation considered at the Eisenhower Park location, here are some of the research and investigation findings:

- Based on guidance from DDPHE and sound engineering studies, DPR recommends that pickleball court sites be at least 600 feet away from residential properties. The homes to the north of the Eisenhower pickleball courts are roughly 195 feet from the courts, while the homes to the south are 175 feet away.
- Fence-mounted sound mitigation, such as baffling or heavy screening, is highly unlikely to be successful at these close proximities.
- In this particular location, sound mitigation would be required on all

<https://www.denver7.com/news/front-range/denver/denver-closing-pickleball-courts-at-eisenhower-park-amid-noise-complaints>

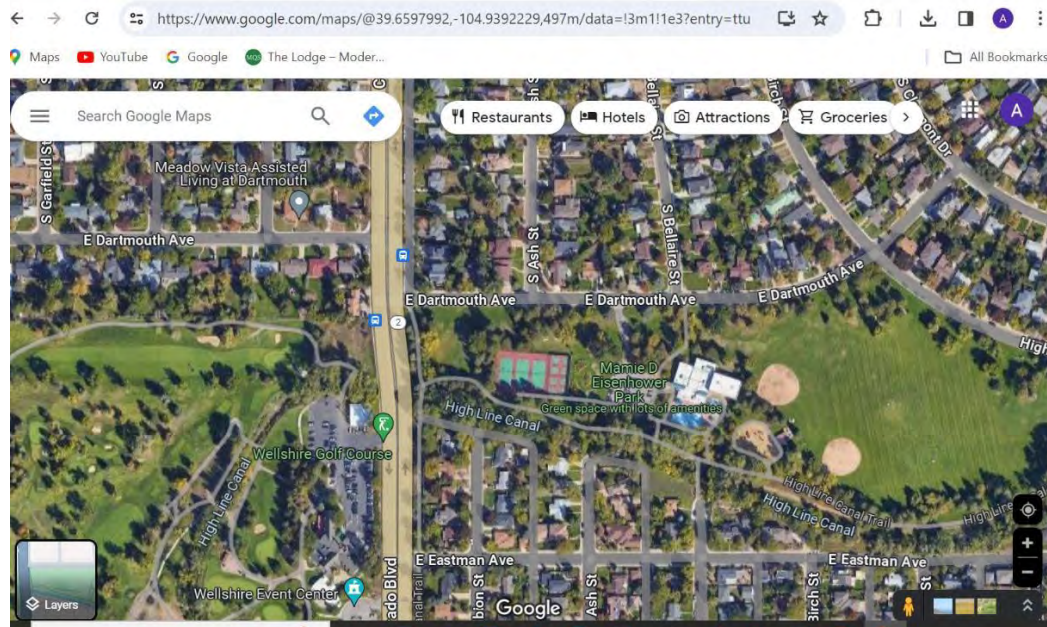
https://www.denver7.com/news/front-range/denver/denver-closing-pickleball-courts-at-eisenhower-park-amid-noise-complaints

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As it turns out, there may be ways to turn pickleball down, so to speak, in the coming years. Denver7 looked into three of the potential solutions most often suggested to facilitate continued growth of pickleball, and how they apply at Eisenhower Park.

The first is the installation of noise mitigation treatments along the fencing of pickleball courts. Gilmore said this has been discussed by the city, but wasn't considered a viable option at Eisenhower because the fencing isn't tall enough to block the sound from two-story houses adjacent to the park. Even if taller fences were built, he said, the department isn't sure if the noise-mitigation treatments would reduce noise enough to make them worth the money.

Another possible solution coming down the pipe are new paddles and balls, designed to make less noise.



## Exhibit J

### **Barbera vs City of Newport RI**

When Dr. Barbera purchased her home in 2012, the adjacent courts in the city park were used for tennis only. There were no noise issues until the courts were converted to and became popular for pickleball.

This Feb 2024 lawsuit filed in RI complains that the close proximity and the excessive noise is clear and continuous nuisance which necessitates injunctive relief. The noise emanating from the pickleball courts, both from the play of the game and from the vocalizations of the steady flow of participants, has completely hindered Plaintiff's use and enjoyment of their residence.

PDF of the filing is attached.

#### COMPLAINT

##### INTRODUCTION

This action arises out of the City of Newport's decision to install, maintain, and continue to operate and allow unreasonable daily, year-round use of pickleball courts at Hunter Park in Newport, which directly abut the property of the Plaintiffs. As detailed herein, the close proximity of these courts to the Plaintiffs' residence and the excessive noise generated therefrom is a clear and continuous nuisance which necessitates injunctive relief and the other relief prayed for herein. The noise emanating from the pickleball courts, both from the play of the game and also from the vocalizations of the steady flow of participants, has completely hindered Plaintiffs' use and enjoyment their residence, where Dr. Barbera also has been severely negatively impacted in her ability to conduct virtual meetings and other business from her home. Despite being made aware that the noise generated by these courts is clearly and consistently in excess of the City's Noise Abatement Ordinance, Chapter 8.12, and despite the City's representatives and staff expressly recognizing and documenting the noise issues caused by the courts, the City has failed to appropriately remedy and abate such nuisance and has unlawfully permitted courts that



14. The constant shouting from the pickleball players, a very social activity, can be heard throughout the day in all rooms of the Residence, regardless of whether the windows are open or closed.

15. In addition to the noise created by the additional players, the surface of a pickleball paddle is harder than that of a tennis racket, and the ball that is used is hard plastic, resulting in a constant piercing and disturbing popping sound, as the balls are struck by paddles, which can be heard in every room of the Residence, at all times of the day.

16. The noise has prevented Plaintiffs from reading in peace, having conversations with guests, resting during the day, sitting or walking in their gardens, having holiday or social daytime gatherings, and performing professional work in the home such as phone calls and video conferences.

17. In addition to the disruptions, the popping sounds, which are close to the most sensitive audible frequency range of human hearing, have caused stress, fatigue, anxiety, impairment of concentration, headaches, mental distress and loss of sleep.

18. From the time the Courts were converted from tennis-only courts to pickleball courts, Plaintiffs have been constructively evicted from their Residence.

Note that the residence is also close to a freeway, but that is not a sound issue – the pickleball is.





## Sara Bruckman

---

**From:** Evan Bretzmann <ejbretzmann@me.com>  
**Sent:** Tuesday, April 2, 2024 10:53 AM  
**To:** Scott Botcher  
**Subject:** Please Do Not Allow Pickleball in My Backyard

Hi Scott,

I'm writing again to ask you to not allow the private club to put pickleball courts in my front yard, lower my quality of life, keep my three girls from napping, force me to close my windows in the summer, lower my property value.

I hope I live in a village in which the primary obligation of that village is to its residents—the families and individuals who purchased property and entered into 30-year commitments that largely determine the quality of their lives—not a private club where members come and go for a few hours at a time.

The anecdotal evidence of the damage pickleball does to communities is *everywhere* and *undisputable*:

“It’s like having a pistol range in your backyard,” said John Mancini, 82, whose Wellesley, Mass., home abuts a cluster of public courts.

“It’s a torture technique,” said Clint Ellis, 37, who lives across the street from a private club in York, Maine.

“Living here is hell,” said Debbie Nagle, 67, whose gated community in Scottsdale, Ariz., installed courts a few years ago.

“It creates vibrations in a range that can be extremely annoying to humans,” Unetich said.



Shattered Nerves, Sleepless Nights: Pickleball Noise Is Driving Everyone Nuts  
nytimes.com

Please don't turn our neighborhood into a place we refer to as a living hell.

Evan

Begin forwarded message:

**From:** Evan Bretzmann <ejbretzmann@icloud.com>

**Date:** February 19, 2024 at 10:19:13 AM CST

**To:** lsumner@villageoffoxpoint.com, jstoltz@villageoffoxpoint.com, csymchych@villageoffoxpoint.com, efonstad@villageoffoxpoint.com, canderson@villageoffoxpoint.com, gollman@villageoffoxpoint.com, eaelion@villageoffoxpoint.com, sbotcher@villageoffoxpoint.com

**Subject:** Please Do Not Allow Pickleball in My Backyard

Hi,

I'm at 7808 N Boyd Way. I've recently been made aware that the Town Club is trying to put pickleball courts in. Please no.

The Town Club is already loud enough with court tennis. They play until 10pm. They're loud. I can hear every word of their conversations in my yard, and I can definitely hear their music.

I have two girls (5 and 3) and one on the way. Pickleball would definitely interrupt their sleep.

I do not understand how a private entity could do something that has such a [negative impact](#) on so many residents. I cannot move my house. I cannot create a noise barrier in my yard.

I work downtown at Northwestern Mutual. I love Fox Point. I love our community's connection to the natural world—to plant life, wildlife, its preservation of quiet, dark nights. This would adversely affect these values.

Please help.

Evan Bretzmann

To: Christine Symchych, Catie Anderson, Liz Sumner, Eric Fonstad, Jennie Stoltz, Greg Ollman, Scott Botcher

From: Kim Brier, 7723 N. Boyd Way

Re: Town Club Pickleball courts

Date: April 9, 2024

Good evening:

My name is Kim Brier and I live at 7723 N. Boyd Way. Thank you for the opportunity to voice my concerns.

I had the opportunity to attend last week's planning committee meeting and learned quite a bit.

For example:

1. There were a lot of issues discussed, including TC currently playing w/o permit, and the proposed plan to make changes to the existing courts that includes expanding # of courts to 8, some of which are being re-surfaced and does this cause an adverse effect on property values or enjoyment of property.
2. It was mentioned that to date, there were Zero noise complaints and several of the FP planning commission felt this was solid enough for a vote of yes :
  - a. The following could help to explain reasons for that for that:

- i. According to many sources: PB is the fastest growing sport, in terms of popularity, some suggest by as much 223% increase, since 2021. 3 years ago there were far fewer players, which meant far less noise and also playing on less than ideal courts. If you have 4 children playing on the playground vs 32 children playing, I'm going to guess that the noise is going to be way louder coming from the playground with 32 children than with 4. This is exactly what the TC is proposing. More players = more noise. More noise = more complaints., and yes, we live behind the RR tracks but this is NOT a continuous noise lasting for 10-12 hours, like the TC is proposing, with hours of play , 8 am to approx.. 8 pm, exactly in line with my hours of enjoyment or work. It stands to reason the fewer players will result in fewer complaints.
- b. The amount of complaints, regarding noise, has also increased exponentially, across the country, as a result of the increase in play. There are dozens, maybe in the 100's of complaints raised on the internet : YouTube, Google, etc. I'm sure you are aware of this. If not, I'll be happy to provide you with dozens of hyperlinks that support this.
- c. Bottom line is as the popularity has increased , so too have the complaints, so much so that many



communities/neighborhoods are involving professional engineering firms to evaluate ways to mitigate noise and ask the question of “how far should homes be away from PB courts” and what is the impact on neighbors? Neighbors are fed up.

3. Which brings me to next topic of “what would be the downside, other than \$, in asking TC to reach out to an engineering firm that specializes in acoustics and sound to evaluate the level of noise and the impact on the neighborhood”?

a. In my research, I was able to find multiple articles that suggest this should happen.

i. Spendiarian and Willis (acoustic and sound engineers) -said this to the LA Times: “we are called in all the time with complaints of PB” Willis advises against converting courts. He states that PB needs to be planned for differently because of the sound that is similar to other high impact sounds. April, 2018

b. According to professor Sakar or George Washington University who studies PB strikes says: it is Not equivalent to tennis, it has a higher noise impact with in excess of 70 decibels @ 100 ft away. In most communities with a noise ordinance enforced, the norm is 55 db before considered a nuisance.

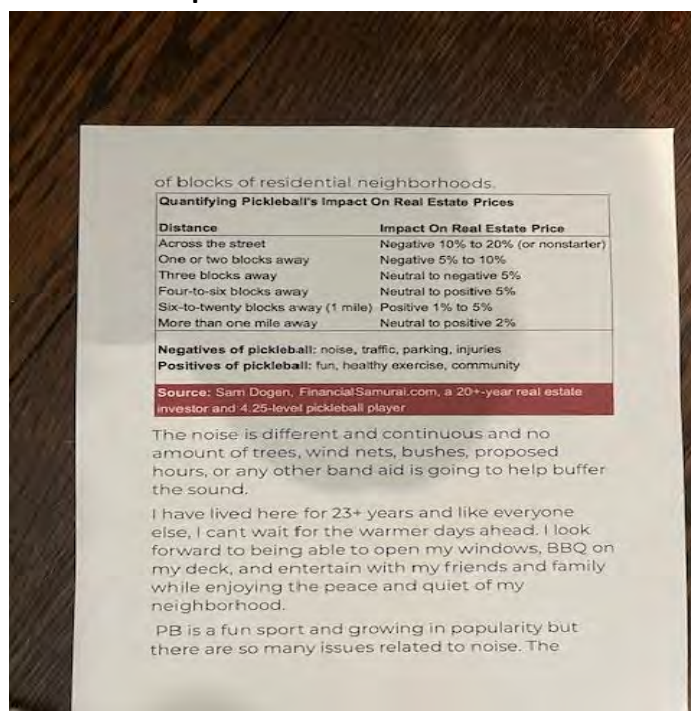
c. Bob Unetich: (Tackling PB sound) – You Tube article: Retired Engineer (PB sound mitigation) and expert in

radio waves: Hired an acoustics firm to study noise  
and available options: Findings:

- i. Consider sound before you convert courts
- ii. Lawsuits on the rise
- iii. Noise complaints on the rise
- iv. Recommends a noise impact study
- v. Complaints are real and need to be considered
- vi. We know the noise negatively affects human health and well being

4. This is not just a noise issue but studies also indicate a negative impact on property values.

a. Samurai Financial.com, (Sam Dogen) - 20+ years in real estate investing and a 4.5 level PB player, published an article entitled: Quantifying PB impact on real estate prices:



i.

5. In summary,

- a. The planning commission asked the question of: Does this have an adverse affect on property values or enjoyment of property or detrimental to one's general welfare and the answer has to be yes. We would not be here voicing our concerns if we were not negatively impacted. If you do not believe me, I would encourage all of you to go to a community that has 8 courts, potentially 32 people playing, for 12 hours per day and ask yourself, if this is what you would want to hear this from your backyard? In fact, it would even be difficult to find this many courts in one location but that is what the TC is asking for. So yes, there were 0 complaints, 3 years ago but it is far from an apples to apples comparison and yes, we are negatively impacted by this proposal.
6. I have lived here for 24 years and I look forward to warmer days ahead when I can sit on my deck, windows wide open, BBQ on the grill and relax with my friends and family while enjoying the peace and quiet of my back yard.
7. I play all kinds of sports, including PB. I know how loud it is, just with one court and to hear this from 4 -500 ft away, every day, all day, is simply not fair to those of us live nearby and the answer is not to propose restrictions on hours of play or plant shrubs or trees or noise reducing nets. They don't work and potentially create other problems.

Thank you for your time and consideration,

Kim Brier

414-331-0808

[Kbrier21@gmail.com](mailto:Kbrier21@gmail.com)



Michael and Deborah Whittle  
7721 N. Santa Monica Blvd.  
Fox Point, WI 53217

April 3, 2024

Scott Botcher  
Village Manager  
Village of Fox Point  
7200 N. Santa Monica Blvd.  
Fox Point, WI 53217

Fox Point Village Board  
Village of Fox Point  
7200 N. Santa Monica Blvd.  
Fox Point, WI 53217

To Scott Botcher and the Fox Point Village Board:

We object to the proposed Conditional Use Permit for Pickle Ball at The Town Club. The proposed use will create a nuisance and result in a substantial adverse effect on the surrounding property values, which violates Section 745-10 (A) (1) of the Village Code.

The conversion of tennis courts to pickleball courts and the construction of new pickleball courts have triggered lawsuits and disputes all over the United States. A simple internet search provides many results discussing noise problems, their causes and possible remediation. I have attached an article on the issues from The New York Times and a more technical article about the sound issues from an engineer and pickleball enthusiast. The link in Exhibit 5 of the March 27, 2024, letter from Amundsen Davis states the following about pickleball noise:

The noise generated by the game is louder, sharper and at a higher pitch than tennis, which generates a deeper "thwack" sound that registers far lower on a sound meter.

The application attempts to equate the existing three tennis courts occasionally used for pickleball with the proposed eight pickleball courts used for leagues, lessons, and social events. The proposed use is a much higher intensity activity, that apparently will occur from 8am to potentially 9pm or 10pm, depending on the timing of dusk.

The noise from the proposed courts would also violate Section 670-2 of the Village Code, which prohibits loud and unnecessary noise.

Many of the exhibits attached in support of the application are flawed.

Exhibit 3 is based on the appraiser's "understanding" that pickleball has been played on the outdoor courts for the past three years. That is not the same as the intensive use proposed, so is not relevant. He also apparently measures property distances from The Town Club grounds, not the site of the proposed courts. The radius used is 1,320 feet; only two properties are within 500 feet of the grounds. The appraiser provides no details as to specific properties, distances from the proposed courts and actual sale dates and prices, so there is no way to evaluate his conclusions. Finally, a finding that no property identified in his methodology sold for less than the prior selling price does not support the conclusion that pickleball had no detrimental effect on property values. Property values in Fox Point have risen dramatically in the last few years, as evidenced by the recent village wide reassessment. Not appreciating in that period is evidence of a detrimental impact on property value.

Scott Botcher and Fox Point Village Board  
April 3, 2024  
Page two

Exhibit 4 consists of emails from Town Club members who will benefit directly or indirectly from the proposed courts. Most of them live far from the proposed courts and we are not sure any are as close as we are. These amount to emails from the applicant in support of the application, which is to be expected, but not relevant.

Exhibits 8, 9 and 10 attempt to equate existing pickleball courts in the area with the proposed courts. However, no information is provided as to distances from houses, court density, noise mitigation or hours of operation, so these exhibits are not evidence of anything relevant to the application.

Exhibit 11 is a list of Fox Point residents who are Town Club residents. This is not relevant to compatibility with the neighborhood, since Fox Point is clearly too large to be considered one neighborhood. It also has nothing to do with appropriate location, residential quality and character, nuisance, or the general public welfare.

Exhibit 13 concerning train horns has no relevance. The exhibit indicates two trains pass through Fox Point each day, which is not at all comparable to a proposed facility that will be open from 8am until dark, with leagues, lessons and social events.

The March 27, 2024, letter from Amundsen Davis cites its attached exhibits as evidence that the six code requirements listed have been satisfied, but only one exhibit (Exhibit 12) is not deeply flawed. The letter also references "the record to date" but the proposed courts do not exist, so there is no record to date for them. The existing tennis courts and occasional pickleball use (without a permit for this substantially different activity) are not reasons to approve or grandfather a use that does not qualify under the Village Code.

Please feel free to contact us with any comments.

Very truly yours,

A handwritten signature in cursive script that reads "Michael Whittle Deborah Whittle".

Michael Whittle and Deborah Whittle

Enclosures

# A lesson in measuring sound

Sound can be characterized in several ways, but the three terms we should use when describing pickleball sounds are “pitch” and “loudness” which is also known as “sound level”. The reality is that most sounds are combinations of multiple pitches and sound levels.

You probably have heard of music notes such as “middle C”. When you tune a piano key to middle C, it has the pitch of middle C, plus components of higher pitch sounds. Pitch is quite different from loudness or sound level. A faint middle C and a very loud middle C are both of similar pitch, but of different sound levels.

Pickleball sounds heard outside the courts are mostly the result of a ball hitting a paddle. The pitch we hear varies with the ball model and the paddle model. This is independent of loudness, so having an agreed upon way of measuring loudness is helpful.

To make this measurement, we need an agreed upon a reference sound level and a set of units of measurement. An accepted unit of sound pressure is the pascal, but human hearing is quite sensitive, so we need to measure some pressure changes that are 1 million times weaker, or a micro-pascal, which has been selected as the normal reference for sound level measurements.

In addition to our hearing being sensitive, we also have an amazing ability to hear and make sense of both very low levels, all the way up to very high levels, without incurring damage to our hearing.

Dealing with this wide range of pressures requires cumbersome arithmetic, so it is common to compare one level to another by using a base 10 logarithmic scale. Don’t worry about forgetting high school math, since we can just use the defined terms to easily compare any two sound levels, even if they are millions of times apart in level.

The term we will use is the decibel. The selected reference for sound measurements is 1 micro-pascal which we set to equal zero decibels, or 0 dB as commonly written. Humans perceive an increase of 10 decibels in sound level to be roughly 2x as loud. This is quite helpful since we can then simply use a meter calibrated in decibels to take measurements, and then easily estimate how the sound levels will be perceived.

You can read more about this in Wikipedia at: [https://en.wikipedia.org/wiki/Sound\\_level\\_meter](https://en.wikipedia.org/wiki/Sound_level_meter)

## As it relates to pickleball

The noise problem pickleball causes is due to the fact that humans are more annoyed by higher pitch sounds in general. A beeping sound is more annoying than a rumble sound, even if those two sounds are of the same level. Tennis and some other common sports produce sounds that are usually lower pitch than in pickleball, therefore less annoying.

One aspect of this reality is that paddles that vibrate a little slower will produce a sound that is somewhat less annoying to the neighbors. This is usually the case for thicker paddles. As paddle technology evolves, we may see more paddles become available with lower pitch sound production, and these sounds should be less annoying.

So, what does this all mean to us as pickleball enthusiasts? The quietest sounds some people can hear (with excellent hearing), are about 20 decibels above the reference level of 0dB. A problem with that simplification is that human hearing sensitivity varies with pitch, so the threshold of hearing also varies. An agreed upon adjustment to this measurement method is to use a weighted sensitivity called the A curve. Sound meters usually have a reading capability of decibels adjusted for the A curve. This adjusted unit of measurement level is referred to as dBA or often as dBa.

Now we are ready to use the numbers for comparison purposes. Here are some points of reference from the website, <https://noiseawarness.org>:

**0 dBA – The softest sound a person can hear with normal hearing**

**10 dBA – normal breathing**

**20 dBA – whispering at 5 feet**

**30 dBA – soft whisper**

**40 dBA – quiet residential area on a calm day**

**50 dBA – steady rainfall**

**60 dBA – normal conversation**

**70 dBA – freeway traffic**

**85 dBA – noisy restaurant**

**90 dBA – shouted conversation**

**100 dBA – nearby snowmobile**

**110 dBA – shouting into an ear**

**120 dBA – nearby thunder**

As you know, at some level our hearing can be damaged. It is recommended that we avoid extended periods of exposure to levels above 80 dBa. Above 90 dBa is considered dangerous according to the Occupational Safety and Health Association (OSHA) standards. Loud music fans beware!

Frequent pickleball sounds are typically about 70 dBa at about 100 feet away from the strike of the ball. Residents in homes located in a quiet residential area, that are within 100 feet from pickleball courts are used to noise levels of 40 dBa, therefore the level of pickleball noise is 30 decibels louder. And, remember, each time you increase a sound level by 10 decibels, it will sound twice as loud. So, an increase of 30 decibels is (10dB+10dB+10dB) or 2x as loud x 2x as loud x 2x as loud, or 8 times as loud. That's a significant increase in loudness. Would that be annoying? Probably.

Making sound level measurements requires calibrated accurate equipment. Do not rely upon sound level apps downloaded to your phone, except for simple relative readings. A good sound level meter, like the Sper840015, costs about \$500 with calibration and it needs to have its calibration checked yearly or so.



# So, what can you do?

What can be done to reduce complaints? First of all, courts that are expected to get lots of use should not be located close to homes! When we increase the distance to homes, things get better.

Doubling the distance drops sound levels by 6 decibels in open areas and even more when there are obstructions to sound propagation, like hills and shrubs. Barriers can help as well. A 10 ft high wall can provide about 10 decibels of reduction, cutting the perceived sound level in half. Higher barriers help even more.

Using the quietest balls and paddles available can cut the sound as much as 10 more decibels or in half again, but many players will resist using other gear. Restricting play hours can also help reduce complaints.

Barriers can be absorbing or reflecting. Sound reflecting barriers, like that known as Acoustifence, are less expensive, but they will send pickleball sound back towards the courts or perhaps towards other homes. Absorbing barriers, like the sound blankets made by eNoise Control, are thicker, heavier and more expensive but they may be the best choice in some cases.

The reality is that most residential neighborhoods have background sound levels, known as ambient noise, close to 50 dBa. If all homes are 200 or more feet away from courts, the expected sound level will be about 64 dBa. If a sound barrier and quieter balls and paddles are used, we soon approach the typical sound level of average neighborhoods, under 50 dBa. To do more is difficult since sound will travel over a sound barrier. The solution to that problem might be a roof, basically making the courts an indoor facility and adding greatly to the cost, and an unrealistic option.

Determining what sound level is acceptable is not simple. Local ordinances can be consulted and sometimes this will set the specific sound level limits that apply, but other times an ordinance will simply state that any repetitive sound must not be “annoying”, and becomes a difficult goal to achieve. Sound level predictions and neighbor tolerance predictions must be part of designing a pickleball facility.

## Summary:

Pickleball sound levels within 100 feet of courts will usually be around 70 dBa with no sound reduction efforts applied. This is as loud as freeway traffic sound.

At 200 feet, (using the 6 dB drop for doubling the distance) the level will be about 64 dBa. That’s louder than normal conversation.

At 400 feet it will be about 58 dBa. That’s quieter than normal conversation levels. By limiting use of paddles and ball brands based on sound testing, you can achieve below 50 dBa, and usually below local background level at that distance.

Adding a 10 ft. high barrier can drop that to below 40 dBa, a level below normal library sound levels.

Even at 100 feet, with consideration for equipment and sound barriers, the level could be about 52 dBa, and may be an acceptable sound level in many neighborhoods. This means that barriers and distance are the most effective tools. It also means that sound levels can be predicted in advance of having complaints, so consider your location and work with your pickleball community to make the sport a welcome addition to your neighborhood.

I hope the above will be helpful to those of you with current or potential sound problems. I am available to help with making sound levels estimates so send me an email if you have questions and I invite you to join the Facebook group Pickleball Noise (Mitigation) for much more pickleball sound information.

Bob Unetich,  
Facebook Pickleball Sound Mitigation Group Admin  
USA P Ambassador-at-large  
USA P Certified Referee  
A Registered Professional Engineer in Pennsylvania

Contact Bob at [itsrmu@aol.com](mailto:itsrmu@aol.com)

# Shattered Nerves, Sleepless Nights: Pickleball Noise Is Driving Everyone Nuts

 [nytimes.com/2023/06/30/sports/pickleball-noise-complaints-lawsuits.html](https://www.nytimes.com/2023/06/30/sports/pickleball-noise-complaints-lawsuits.html)

It sounded like popcorn warming in a microwave: sporadic bursts that quickened, gradually, to an arrhythmic clatter.

“There it is,” Mary McKee said, staring out the front door of her home in Arlington, Va., on a recent afternoon.

McKee, 43, a conference planner, moved to the neighborhood in 2005 and for the next decade and a half enjoyed a mostly tranquil existence. Then came the pickleball players.

She gestured across the street to the Walter Reed Community Center, less than 100 feet from her yard, where a group of players, the first of the day, had started rallying on a repurposed tennis court. More arrived in short order, spreading out until there were six games going at once. Together they produced an hourslong ticktock cacophony that has become the unwanted soundtrack of the lives of McKee and her neighbors.

“I thought maybe I could live with it, maybe it would fade into the background,” she said of the clamor, which began around the height of the coronavirus pandemic and now reverberates through her home, even when her windows are closed. “But it never did.”

## The Sounds of the Court

Pickleball players at the Walter Reed Community Center on Wednesday.

**Listen** 1:02

Image

Pickleball at the Walter Reed Community Center is played on repurposed tennis courts.Credit...Jason Andrew for The New York Times

Image

Mary McKee, who lives across the street from the Walter Reed Community Center, has been fighting the noise pollution.Credit...Jason Andrew for The New York Times

Image

Armand Ciccarelli, 51, another resident who has complained about the noise.Credit...Jason Andrew for The New York Times

Sports can produce all kinds of unpleasant noises: referees’ whistles, rancorous boos, vuvuzelas. But the most grating and disruptive sound in the entire athletic ecosystem right now may be the staccato *pop-pop-pop* emanating from America’s rapidly multiplying pickleball courts.

The sound has brought on a nationwide scourge of frayed nerves and unneighborly clashes — and those, in turn, have elicited petitions and calls to the police and last-ditch lawsuits aimed at the local parks, private clubs and homeowners associations that rushed to open courts during the sport's recent boom.

The hubbub has given new meaning to the phrase racket sport, testing the sanity of anyone within earshot of a game.

"It's like having a pistol range in your backyard," said John Mancini, 82, whose Wellesley, Mass., home abuts a cluster of public courts.

"It's a torture technique," said Clint Ellis, 37, who lives across the street from a private club in York, Maine.

"Living here is hell," said Debbie Nagle, 67, whose gated community in Scottsdale, Ariz., installed courts a few years ago.

Modern society is inherently inharmonious — think of children shouting, dogs barking, lawn mowers roaring. So what makes the sound of pickleball, specifically, so hard to tolerate?

For answers, many have turned to Bob Unetich, 77, a retired engineer and avid pickleball player, who became one of the foremost authorities on muffling the game after starting a consulting firm called Pickleball Sound Mitigation. Unetich said that pickleball whacks from 100 feet away could reach 70 dBA (a measure of decibels), similar to some vacuum cleaners, while everyday background noise outside typically tops off at a "somewhat annoying 55."

But decibel readings alone are insufficient for conveying the true magnitude of any annoyance. Two factors — the high pitch of a hard paddle slamming a plastic ball and the erratic, often frantic rhythm of the smacks — also contribute to its uncanny ability to drive bystanders crazy.

"It creates vibrations in a range that can be extremely annoying to humans," Unetich said.

Image

Hayden Sealander, 26, reaches for a ball while playing. Credit...Jason Andrew for The New York Times

These bad vibrations have created an unforeseen growing pain for pickleball, which emerged from relative obscurity in recent years to become the fastest-growing sport in the country.

The sounds were even dissected last month at Noise-Con 2023, the annual conference of North American noise control professionals, which featured an opening-night session called "Pickleball Noise."

"Pickleball is the topic of the year," said Jeanette Hesedahl, vice chair for the conference.



The same story, the same jarring sound, has echoed across American communities like rolling thunder.

Sue-Ellen Welfonder, 66, a best-selling romance novelist from Longboat Key, Fla., once enjoyed listening to the singing birds and the gentle swish of trees during her daily walks — her “soul balm time” — through a local park. The *thump-thump* of a tennis match never bothered her, either. But the arrival of pickleball this spring, she said, shattered her idyll.

“Pickleball has replaced leaf blowers as my No. 1 noise nuisance,” said Welfonder, who has been sketching the outlines of a new novel, set in the present day, with a couple of pickleball-loving characters: “I’m making them really nasty people.”

The complaints were equally dramatic at a Feb. 6 city council meeting in West Linn, Ore., where residents have been vexed by the constant click-clacking from Tanner Creek Park.

“One of our neighbors who lived directly across from the courts and was dying from cancer noted the pickleball noise was worse than his cancer,” Dan Lavery, a West Linn resident, said at the meeting. “Sadly, he recently passed.”

Scores of similarly suffering Americans are finding their way to a rapidly growing Facebook group, also started by Unetich, where upward of 1,000 frazzled users exchange technical advice, let off steam and engage in a sort of group therapy.

“We try to keep it civil,” Unetich said, “because it gets pretty emotional.”

A few lessons have crystallized within the group. Soundproof barriers — a go-to solution for many at first — can be expensive and are often improperly deployed. New paddles and balls designed to dampen noise have had marginal uptake among players. Moving pickleball far away from human life may be the only surefire solution — but many are slow to reach that conclusion, which presents its own hurdles.

## More Court Sounds

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Pickleball players at the Walter Reed Community Center on Wednesday.

**Listen** 0:46

Image

The tennis courts at the Walter Reed Community Center are now primarily used for pickleball, allowing six games to happen simultaneously. Credit...Jason Andrew for The New York Times

Image

Credit...Jason Andrew for The New York Times

Irritated homeowners, as a result, often resort to fighting pickleball courts in the courts of law.

Last year, Rob Mastroianni, 58, and his neighbors in Falmouth, Mass., filed a lawsuit against their town claiming that the courts near their homes violated local sound ordinances. They won a temporary injunction, which has closed the facility for now. By then Mastroianni had already sold his house and moved to a different part of town to escape the noise.

“I was Google Mapping the new house, making sure there were no courts nearby,” Mastroianni said.

In Arlington, McKee and her neighbors around the community center are waiting to see what happens next. They shared their pain with the county, which for now appears to be moving forward with plans to spend close to \$2 million to make the pickleball courts permanent.

The players there sympathized with the residents’ plight — but only to an extent.

“If I had that home, I’d be mad, because it is annoying — it’s obnoxious,” Jordan Sawyer, 25, a dietitian from Arlington and an avid player, said between games this month. “But I don’t feel bad because I want to play, and this is the best place to play. Honestly, I just feel like it’s unfortunate. It’s unlucky for these people.”

Sawyer described herself as a “rule follower.” But McKee and the others recounted being woken up at 3 a.m. by middle-of-the-night pickleball matches. Another time they listened to a player banging a tambourine on the court, apparently to taunt those who had complained.

Armand Ciccarelli, 51, who often walks his dog, Winona, around the community center, said that anybody downplaying pickleball noise should try hearing it for 12 hours a day.

“I know this seems like a small thing in the grand scheme of the world, where we’re dealing with big things, like climate change,” Ciccarelli said. “But, as you can see, it’s a nationwide problem.”

Kitty Bennett contributed research.

## Related Content

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## Sara Bruckman

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**From:** Steve Check <scheck5227@ameritech.net>  
**Sent:** Friday, March 22, 2024 8:27 AM  
**To:** Scott Botcher  
**Cc:** Steve Check  
**Subject:** Town Club Pickleball  
**Attachments:** centennial-pickleball-noise-assessment (1) (4).pdf

My name is Steve Check. I live on East Hyde Way and I am adding my name to the list of residents objecting to the Town Club request to add Pickleball.

Planning open air pickleball courts begins with selecting an appropriate site that has sufficient setbacks from adjacent residents to ensure an effective noise reduction plan is possible. Several homes behind the proposed courts are less than 200 feet from the courts. In my research, I found that communities across the country, strictly forbid courts that are within 200 - 250 feet from neighbors. And some prohibit courts up to 500 feet.

I read the agenda minutes from a recent Village board meeting and found the responses very interesting. All of the people against this live on Boyd Way east of the courts. The railroad tracks are the only buffer as there are almost no trees in this area. None of the people in favor live near the proposed courts. One of the comments was that "the Town Club is a great place for the community to gather and socialize." Does that statement mean the club will open the courts to Fox Point residents? I think not. The Town Club representative stated that noise reduction would be installed. I have not seen the Town Club's plans for noise reduction. When will that be shared? Since there are few trees in this area, very tall Arbor Vitae trees should also be installed.

Before the Board considers this request, the Board should require a sound study to determine the expected noise level, should visit the proposed site, and offer impacted residents on Boyd Way an opportunity to visit the site. And any trustees that have not experienced the noise level of Pickleball should seek out an experience, so they get an appreciation for the obnoxious noise level. If you consider the 63 homes within 500 feet of the courts, you need to consider not only those on Boyd Way, but also homes on Santa Monica, Hyde Way. Links Way, McArthur and Regent.

The noise made by playing Pickleball is noteworthy. There have been ample articles recently about the noise level of Pickleball. The Wall Street Journal, the New York Times and many other periodicals have posted recent articles about how disruptive noise from pickleball is to the neighbors. There is also plenty of research and You Tube videos available demonstrating the noise level to neighbors. My golf club installed Pickleball last summer, and I can hear the noise a fairway away. I feel sorry for the neighbors.

In my research, I discovered a study prepared for the City of Centennial, Colorado titled "Pickleball Noise Impact Assessment and Abatement Planning." This provides an excellent explanation of the noise issues created by pickleball courts. This document will be invaluable to the Village Board as they evaluate this request. While the report is long and very technical, the Executive Summary provides an excellent overview. Please forward my E mail and the attached document to the Village Board as input to their next meeting.

I look forward to attending the next meeting. Thank you in advance for your assistance.

Please decline this request.

Steve Check  
414-588-5750  
scheck5227@ameritech.net

**VILLAGE OF FOX POINT**  
**VILLAGE BOARD MEETING MINUTES**  
**March 12, 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, March 12, 2024 in Schwemer Hall, 7200 N. Santa Monica Boulevard. Village 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  
Trustee Liz Aelion  
Trustee Jennie Stoltz

Also, present were Village Attorney Eric Larson, Village Manager Scott Botcher, Public Works Director Scott Brandmeier, Village Clerk Treasurer Sara Bruckman, and Assistant Village Manager Kevin Ausman

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).

**PERSONS DESIRING TO BE HEARD**

Louise Petering, 7229 N Santa Monica Blvd., favors the revised pool design option and expressed her support for a six-lane pool.

Paul Krechel, 8035 N Whitney Rd., expressed disappointment that a Village Trustee asked him to consider dropping out of the Village Trustee race after the February Primary. He requested the Village Attorney educate board members on their responsibilities and limitations within the election process.

Dan Knopp, 7510 N Fairchild Rd., member of the Friends of Fox Point Pool, summarized an email sent to the Village Board.

Dave Petering, 7229 N Santa Monica Blvd., expressed he would prefer a larger pool and a toddler pool.

Nicole Marinelli, 6900 N View Place, expressed her support for a larger pool.

Beverly Ritchie 8675 N Point Drive, expressed support for a pool and requested consideration for a hot tub.

Hearing no further comments, President Symchych closed public comment.

**COMMITTEE REPORTS** – Trustee Fonstad reported that Plan Commission met on March 4 and reviewed the application of New Barons Brewing Cooperative to relocate the summer beer gardens that have operated for the last two years at the Municipal



**VILLAGE OF FOX POINT  
VILLAGE BOARD MEETING MINUTES**

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**March 12, 2024**

Pool to Longacre Pavilion. New Barons proposed six Friday and one Saturday dates with the hours between 5:00 p.m. and 9:00 p.m. Staff reported it is no longer feasible to operate the Beer Garden at the pool. The Plan Commission made two recommendations; that the Village Board finds that the application meets the four standards in section 745-20(b)(2), and that the Village Board approve the use of public lands for this application subject to a written agreement drafted by the Village Attorney

**Public Hearing**

**Request from New Barons Brewing Cooperative for a Temporary Beer Garden located at Longacre Park**

*Motion by Trustee Fonstad, seconded by Trustee Anderson, and carried by roll call vote (7-0), to open the public hearing at 7:19 p.m., regarding request from New Barons Brewing Cooperative for a Temporary Beer Garden located at Longacre Park.*

Assistant Manager Ausman gave a brief summary included in the packet.

John Degroote, 6439 N Santa Monica Blvd., has been operating New Barons since 2016, introduced the Beer Garden to Fox Point two years ago and requests that the Beer Garden remain in Fox Point while relocating to a new location.

**Public Comment**

James Stefan, 6428 N Santa Monica Blvd., expressed support for the beer garden in the community.

Sandy Hurley, 7334 N Longacre, stated they live at the closet house to Longacre Pavilion and expressed concerns about parking on both sides of the street and would like to see temporary "no parking" on the east side of Longacre Rd.

*Motion by Trustee Fonstad, seconded by Trustee Anderson, and carried by roll call vote (7-0), to close the public hearing at 7:28 p.m., regarding request from New Barons Brewing Cooperative for a Temporary Beer Garden located at Longacre Park.*

**CONSENT AGENDA**

- a. Approve the minutes of the February 13, 2024 Special Village Board meeting.
- b. Approve the minutes of the February 13, 2024 Village Board meeting.
- c. Approve the minutes of the February 27, 2024 Special Village Board meeting.
- d. Accept the 2<sup>nd</sup> Revision of the State/Municipal Financial Agreement with the Department of Transportation to include the non-participating water main construction costs and authorize the Village President to sign the SMA per the Director of Public Works' memorandum dated March 5, 2024.

**VILLAGE OF FOX POINT  
VILLAGE BOARD MEETING MINUTES**

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**March 12, 2024**

- e. Accept the bid of Visu-Sewer, Inc. in the amount of \$566,565 for the 2024 Sanitary and Stormwater Improvement Project and authorize the Village President and Village Clerk/Treasurer to sign the contract per the Director of Public Works' memorandum dated March 5, 2024.
- f. Accept the proposal of Kapur & Associates in the amount of \$37,800 for inspection services associated with the 2024 Sanitary and Stormwater Improvement Project and authorize the Village President and Village Clerk/Treasurer to sign the contract per the Director of Public Works' memorandum dated March 6, 2024.
- g. Accept the bid of All-Ways Contractors, Inc. in the amount of \$641,934 for the base bid, \$62,731 for Alternate Bid No. 1 and \$60,098 for Alternate Bid No. 2 for the 2024 Lake Drive Stormwater Improvement Project and authorize the Village President and Village Clerk/Treasurer to sign the contract per the Director of Public Works' memorandum dated March 6, 2024.
- h. Accept the proposal of Kapur & Associates in the amount of \$113,170 for construction services associated with the 2024 Lake Drive Stormwater Improvement Project and authorize the Village President and Village Clerk/Treasurer to sign the contract per the Director of Public Works' memorandum dated March 6, 2024.
- i. Approval of amended Joint Library Services Agreement dated June 7, 2023.
- j. Approve the 2023 Annual NR 216 (MS\$) Stormwater Report and submittal of the same to the Department of Natural Resources.
- k. Approve payment of the bills in the amount of \$369,568.15 for the period February 1, 2024 through February 29, 2024 per the report submitted by the Village Manager.

Trustee Stoltz requested the removal of consent agenda items e and g.

*Motion by President Symchych, seconded by Trustee Fonstad, and carried by roll call vote (7-0), to approve the consent agenda, absent consent agenda items e, g.*

**UNFINISHED BUSINESS**

**Santa Monica Aquatics Facility Concepts**

President Symchych opened the discussion reiterating the Village Board is aware that an aquatics facility is not a revenue generator, rather a community asset. Some residents have shared they do not want to use public funds for a pool. When the Village Board passed a resolution to create a committee to go out and raise funds, the board also committed to having a pool in Fox Point when those funds were brought forward. She appreciates everyone's patience and grace as the board deals with this complex situation. The Village Board has committed to operate a future facility located on the current site once private fundraising has met its goal.

Assistant Manager Ausman introduced the Village's consultant, Blake Theisen from Parkitecture, and briefed the Village Board on the memo included in the packet.

Parkitecture reviewed pool concepts included in packet.

**VILLAGE OF FOX POINT  
VILLAGE BOARD MEETING MINUTES**

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**March 12, 2024**

Village Board discussion included lifeguarding rates and staffing, conceptual design alteration, inclusion of a toddler pool separate from larger pool, a community room facing Santa Monica Blvd. Doubling the size of the pool and adding a larger community room would increase cost of the project.

Beverly Ritchie 8675 North Point Drive, would like to see the pool open longer in the season.

David Mueller 7401 N Crossway Road, spoke in favor of a larger pool and community room He is in favor a concept C but would like to see everything moved further to the south.

Mary Beth Mills, 1811 E Dean Road, supports the larger pool design and larger community room.

*Motion by President Symchych to direct Parkitecture to create a design that includes a modified plan C as a base, adding an independent kiddie pool, incorporating a larger community building, situating the building partly along Santa Monica Blvd, moving the building facility further south on the site, and adopt that conceptual design plan as the Village's somatic drawing going forward and release it to the 501C3 for fundraising purposes. Motion failed for lack of a second.*

Discussion ensued if the new design should be brought back to the Village Board to review. The board agreed not to have the design brought back.

*Motion by President Symchych, seconded by Trustee Anderson, and carried by roll call vote (7-0), to authorize Parkitecture to create an additional drawing based upon design C as a base, incorporating the features presented in design C, modified to include an additional kiddie pool, larger community building, moving the building to be situated partially along Santa Monica Blvd., building and site moved further south, release drawing to the Friends of the Fox Point Pool to use the conceptual drawing for fundraising efforts in accordance with Resolution R2023-15.*

**Land Combination and Certified Survey Map for 6990 North Barnett Lane**

*Motion by President Symchych, seconded by Trustee Fonstad, and carried by roll call vote (7-0), to approve the land combination and certified survey map for 6990 North Barnett Lane.*

**Town Club Hearing Agenda Item**

*Motion by Trustee Fonstad, seconded by Trustee Anderson, and carried by roll call vote (7-0), to refer the matter to the Plan Commission and to re-open the public hearing at the April 9, 2024 Village Board Meeting.*

**NEW BUSINESS**

**Consent Agenda Item E**

**VILLAGE OF FOX POINT  
VILLAGE BOARD MEETING MINUTES  
March 12, 2024**

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*Motion by President Symchych, seconded by Trustee Fonstad, and carried by roll call vote (7-0), to accept the bid of Visu-Sewer, Inc. in the amount of \$566,565 for the 2024 Sanitary and Stormwater Improvement Project and authorize the Village President and Village Clerk/Treasurer to sign the contract per the Director of Public Works' memorandum dated March 5, 2024.*

**Consent Agenda Item G**

*Motion by Trustee Fonstad, seconded by Trustee Anderson, and carried by roll call vote (7-0), to accept the bid of All-Ways Contractors, Inc. in the amount of \$641,934 for the base bid, \$62,731 for Alternate Bid No. 1 and \$60,098 for Alternate Bid No. 2 for the 2024 Lake Drive Stormwater Improvement Project and authorize the Village President and Village Clerk/Treasurer to sign the contract per the Director of Public Works' memorandum dated March 6, 2024*

**Summer Beer Garden with New Barons Brewing Cooperative**

*Motion by President Symchych, seconded by Trustee Ollman, and carried by roll call vote (7-0), to approve the beer garden relocation, and direct the Village Manager and Attorney to execute a beer garden license agreement.*

**FUTURE AGENDA ITEMS – None**

**ANNOUNCEMENTS**

President Symchych announced meeting with potential Eagle Scout who interviewed about government. Fox Point hosted the ICC Meeting. Attended the Fire department meeting this morning, recruiting is becoming harder; fire departments in areas north are moving to full time paid positions. Milwaukee has a new pension system that you can move to other municipalities. Rang the closing bell at the stalk market on Friday.

Trustee Fonstad No announcements

Trustee Sumner announced In-person Absentee Voting starts March 19.

Trustee Ollman no announcements

Trustee Anderson announced an update for North Shore Library fundraising.

Trustee Aelion no announcements

Trustee Stoltz no announcements

Manager Botcher announced Badger Books training took place at Village Hall. Fox Point Open House will be June 15 with the opening of the Farmers Market.

**ADJOURNMENT**

**VILLAGE OF FOX POINT  
VILLAGE BOARD MEETING MINUTES**

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**March 12, 2024**

*Motion made by President Symchych, second by Trustee Ollman, and carried by roll call vote (7-0) to adjourn the Village Board meeting at 9:13 p.m.*

Respectfully submitted,

Village Clerk Sara A. Bruckman  
Village Clerk Treasurer

DRAFT





## VILLAGE OF FOX POINT

MILWAUKEE COUNTY  
WISCONSIN

VILLAGE HALL  
7200 N. SANTA MONICA  
BLVD.  
FOX POINT WI 53217-3505  
414-351-8900  
FAX 414-351-8909

To: Village of Fox Point Village Board

From: Scott Brandmeier, Director of Public Works *SB*

Through: Scott Botcher, Village Manager *SWB*

Date: April 2, 2024

Re: Recommendation for Acceptance of Bid for 2024 Nokomis Court Watermain Replacement and Road Resurfacing

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At the February 2024 Village Board meeting, the Board rejected bids for the Lake Drive storm water and water main improvement project due to the sole bid exceeding the budgeted amounts for the water main portion of the project. At that time, it was noted that the water main and storm sewer portions of the project would be separated and that the storm sewer portion would be bid in 2024 while the water main portion would be included with the DOT project (to be done in 2025 or 2026).

Staff also noted that, due to the number of water main breaks being experienced on Nokomis Court (five in under six months with four of them within a roughly 24-hour period), that we would work with our consultant to prepare a design and bid documents for the replacement of the water main, road and path on Nokomis Court. The project includes replacement of the water main along Nokomis Court from the intersection at Indian Creek to the pedestrian path along Port Washington Road, replacement of all of the water service laterals along Nokomis Court (to the curb stop), replacement of the pedestrian path from Nokomis to Port Washington, milling off 2-inches of asphalt and resurfacing the road with 2-inches of new asphalt.

This project was bid on Tuesday, March 26, 2024. Five contractors submitted bids for the Nokomis Court water main, road and path resurfacing was held with the bid prices ranging from \$263,675 up to \$487,875. The engineer's construction cost estimate was approximately \$440,000 for the work.

Advance Construction, Inc. was the low bidder for the project. Our consultant, Kapur & Associates, has reviewed their qualification statement and completed a reference check and have determined that they are a responsible, responsive bidder as shown in the recommendation letter from Kapur. With the Lake Drive water main improvements being moved to coincide with the Lake Drive Road Reconstruction, there are available monies the Water Main budget for this project

After reviewing the bids, it is my recommendation the Village Board award the bid to Advance Construction, Inc. in the amount of \$263,675 and authorize the Village President and Village Clerk/Treasurer to sign the contract on behalf of the Village.

March 26, 2024

Mr. Scott Brandmeier  
Village of Fox Point  
7200 North Santa Monica Boulevard  
Fox Point, Wisconsin 53217

RE: Nokomis Court Water Main and Road Resurfacing Project

Dear Mr. Brandmeier:

Bids were received from the five (5) Contractors to complete the Nokomis Court Water Main and Road Resurfacing Project – Advance Construction Inc., Korff Plumbing, Vinton Construction Company, Essential Sewer & Water and MJ Construction Inc.

After, reviewing of the bids, it was determined that the Advance Construction Inc. is the apparent low bidder with the following total bid amounts:

- Total Base Bid - \$ 263,675.00
- Alternate Bid - \$ 76,725.00 (Increase of \$39,135 above Base Bid)

Advance Construction Inc. has performed this type of work on their previous projects and the firm is qualified to complete the items under this contract.

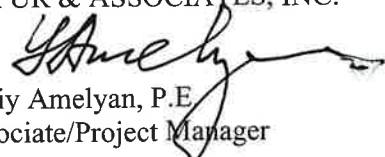
Kapur & Associates, Inc. recommends the award of this contract to Advance Construction Inc. in total base bid amount of \$ 263,675.00.

I have included a bid tabulation of all bidders for your records.

Should you have any comments or need additional information, please call me at (414) 751-7285.

Sincerely,

KAPUR & ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read "Yuriy Amelyan", is written over the printed name and title.

Yuriy Amelyan, P.E.  
Associate/Project Manager





| Nokomis Court Water Main Replacement and Road Resurfacing<br>Village of Fox Point, Wisconsin |                                                                                                                                              |       |      | Advance Construction, Inc. |               | Korff Plumbing     |               | Vinton Construction  |               | Essential Sewer & Water |               | MJ Construction, Inc. |               |
|----------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|-------|------|----------------------------|---------------|--------------------|---------------|----------------------|---------------|-------------------------|---------------|-----------------------|---------------|
|                                                                                              |                                                                                                                                              |       |      | 2141 Woodale Avenue        |               | W5474 Sumac Road   |               | 1322 33rd Street     |               | 3628 Playbird Road      |               | 6000 N. 91st Street   |               |
|                                                                                              |                                                                                                                                              |       |      | Green Bay, WI 54313        |               | Plymouth, WI 53073 |               | Two Rivers, WI 54241 |               | Sheboygan, WI 53083     |               | Milwaukee, WI 53225   |               |
| BID OPENING: 10:00 am March 26, 2024                                                         |                                                                                                                                              |       |      | 920-434-3978               |               | 920-627-3650       |               | 920-682-2838         |               | 920-323-3814            |               | 414-760-3320          |               |
| ITEM NO.                                                                                     | ITEM                                                                                                                                         | QTY.  | UNIT | UNIT \$                    | TOTAL         | UNIT \$            | TOTAL         | UNIT \$              | TOTAL         | UNIT \$                 | TOTAL         | UNIT \$               | TOTAL         |
| BASE BID                                                                                     |                                                                                                                                              |       |      |                            |               |                    |               |                      |               |                         |               |                       |               |
| 1                                                                                            | Mill and Remove Approximately 2-Inch of Asphaltic Surface at Nokomis Court                                                                   | 1,800 | SY   | \$ 4.43                    | \$ 7,974.00   | \$ 5.00            | \$ 9,000.00   | \$ 4.38              | \$ 7,884.00   | \$ 7.50                 | \$ 13,500.00  | \$ 6.00               | \$ 10,800.00  |
| 2                                                                                            | Remove Existing 4-Foot Pedestrian Path and Prepare Subgrade for New 5-Foot Wide Path Structure. All Inclusive (See description in page SP-2) | 1     | LS   | \$ 9,500.00                | \$ 9,500.00   | \$ 7,500.00        | \$ 7,500.00   | \$ 9,000.00          | \$ 9,000.00   | \$ 4,250.00             | \$ 4,250.00   | \$ 6,500.00           | \$ 6,500.00   |
| 3                                                                                            | PVC Certa-Lok Water Main 8-Inch                                                                                                              | 950   | LF   | \$ 112.00                  | \$ 106,400.00 | \$ 178.00          | \$ 169,100.00 | \$ 150.00            | \$ 142,500.00 | \$ 277.00               | \$ 263,150.00 | \$ 250.00             | \$ 237,500.00 |
| 4                                                                                            | Hydrant Assembly with 6-Inch Valve and Valve Box                                                                                             | 1     | EACH | \$ 7,521.00                | \$ 7,521.00   | \$ 9,627.00        | \$ 9,627.00   | \$ 10,705.00         | \$ 10,705.00  | \$ 8,500.00             | \$ 8,500.00   | \$ 12,000.00          | \$ 12,000.00  |
| 5                                                                                            | Hydrant Lead 6-Inch                                                                                                                          | 30    | LF   | \$ 63.50                   | \$ 1,905.00   | \$ 85.00           | \$ 2,550.00   | \$ 85.00             | \$ 2,550.00   | \$ 65.00                | \$ 1,950.00   | \$ 125.00             | \$ 3,750.00   |
| 6                                                                                            | Gate Valve and Valve Box 8-Inch                                                                                                              | 4     | EACH | \$ 2,474.00                | \$ 9,896.00   | \$ 3,900.00        | \$ 15,600.00  | \$ 4,830.00          | \$ 19,320.00  | \$ 4,325.00             | \$ 17,300.00  | \$ 4,000.00           | \$ 16,000.00  |
| 7                                                                                            | Corporation Stop 1.25-Inch                                                                                                                   | 10    | EACH | \$ 494.00                  | \$ 4,940.00   | \$ 450.00          | \$ 4,500.00   | \$ 2,667.00          | \$ 26,670.00  | \$ 1,800.00             | \$ 18,000.00  | \$ 650.00             | \$ 6,500.00   |
| 8                                                                                            | Curb Stop 1.25-Inch                                                                                                                          | 10    | EACH | \$ 545.00                  | \$ 5,450.00   | \$ 800.00          | \$ 8,000.00   | \$ 720.00            | \$ 7,200.00   | \$ 2,100.00             | \$ 21,000.00  | \$ 505.00             | \$ 5,050.00   |
| 9                                                                                            | Corporation Stop 1.5-Inch                                                                                                                    | 3     | EACH | \$ 641.00                  | \$ 1,923.00   | \$ 1,350.00        | \$ 4,050.00   | \$ 2,822.00          | \$ 8,466.00   | \$ 1,800.00             | \$ 5,400.00   | \$ 725.00             | \$ 2,175.00   |
| 10                                                                                           | Curb Stop 1.5-Inch                                                                                                                           | 3     | EACH | \$ 752.00                  | \$ 2,256.00   | \$ 680.00          | \$ 2,040.00   | \$ 877.00            | \$ 2,631.00   | \$ 2,100.00             | \$ 6,300.00   | \$ 750.00             | \$ 2,250.00   |
| 11                                                                                           | Water Service HDPE 1.25-Inch                                                                                                                 | 460   | LF   | \$ 66.50                   | \$ 30,590.00  | \$ 80.00           | \$ 36,800.00  | \$ 58.00             | \$ 26,680.00  | \$ 35.00                | \$ 16,100.00  | \$ 190.00             | \$ 87,400.00  |
| 12                                                                                           | Water Service HDPE 1.5-Inch                                                                                                                  | 100   | LF   | \$ 70.00                   | \$ 7,000.00   | \$ 110.00          | \$ 11,000.00  | \$ 59.00             | \$ 5,900.00   | \$ 35.00                | \$ 3,500.00   | \$ 195.00             | \$ 19,500.00  |
| 13                                                                                           | Concrete Ditch Liner Replacement All-Inclusive (13 locations - see description in page SP-3)                                                 | 130   | LF   | \$ 98.00                   | \$ 12,740.00  | \$ 28.00           | \$ 3,640.00   | \$ 89.00             | \$ 11,570.00  | \$ 45.00                | \$ 5,850.00   | \$ 180.00             | \$ 23,400.00  |
| 14                                                                                           | HMA Pavement (2” Roadway Upper Layer)                                                                                                        | 210   | TON  | \$ 120.00                  | \$ 25,200.00  | \$ 99.65           | \$ 20,926.50  | \$ 103.25            | \$ 21,682.50  | \$ 140.00               | \$ 29,400.00  | \$ 105.00             | \$ 22,050.00  |
| 15                                                                                           | HMA Pavement (2” Roadway Lower Layer Base Patching)                                                                                          | 6     | TON  | \$ 365.00                  | \$ 2,190.00   | \$ 505.00          | \$ 3,030.00   | \$ 245.00            | \$ 1,470.00   | \$ 190.00               | \$ 1,140.00   | \$ 200.00             | \$ 1,200.00   |
| 16                                                                                           | HMA Pavement (Pedestrian Path)                                                                                                               | 30    | TON  | \$ 355.00                  | \$ 10,650.00  | \$ 443.00          | \$ 13,290.00  | \$ 270.00            | \$ 8,100.00   | \$ 220.00               | \$ 6,600.00   | \$ 300.00             | \$ 9,000.00   |
| 17                                                                                           | Crushed Aggregate ¾-inch Shouldering Material                                                                                                | 40    | TON  | \$ 35.00                   | \$ 1,400.00   | \$ 78.00           | \$ 3,120.00   | \$ 72.00             | \$ 2,880.00   | \$ 95.00                | \$ 3,800.00   | \$ 85.00              | \$ 3,400.00   |
| 18                                                                                           | Base Aggregate Dense Material 1-1/4 Inch (Pedestrian Path)                                                                                   | 40    | TON  | \$ 40.00                   | \$ 1,600.00   | \$ 70.00           | \$ 2,800.00   | \$ 42.00             | \$ 1,680.00   | \$ 90.00                | \$ 3,600.00   | \$ 85.00              | \$ 3,400.00   |
| 19                                                                                           | Temporary Ditch Checks (per location) 6-Inch Sediment Log                                                                                    | 6     | EACH | \$ 115.00                  | \$ 690.00     | \$ 115.00          | \$ 690.00     | \$ 90.00             | \$ 540.00     | \$ 50.00                | \$ 300.00     | \$ 150.00             | \$ 900.00     |
| 20                                                                                           | Silt Fence                                                                                                                                   | 200   | FEET | \$ 2.45                    | \$ 490.00     | \$ 2.50            | \$ 500.00     | \$ 2.50              | \$ 500.00     | \$ 3.00                 | \$ 600.00     | \$ 3.00               | \$ 600.00     |
| 21                                                                                           | Landscape Restoration, All-Inclusive                                                                                                         | 400   | SY   | \$ 8.40                    | \$ 3,360.00   | \$ 8.50            | \$ 3,400.00   | \$ 15.00             | \$ 6,000.00   | \$ 10.00                | \$ 4,000.00   | \$ 15.00              | \$ 6,000.00   |
| 22                                                                                           | Traffic Control                                                                                                                              | 1     | LS   | \$ 10,000.00               | \$ 10,000.00  | \$ 21,000.00       | \$ 21,000.00  | \$ 44,000.00         | \$ 44,000.00  | \$ 5,000.00             | \$ 5,000.00   | \$ 8,500.00           | \$ 8,500.00   |
| NOKOMIS COURT WATER MAIN REPLACEMENT AND ROAD RESURFACING PROJECT BASE BID TOTAL:            |                                                                                                                                              |       |      | \$ 263,675.00              |               | \$ 352,163.50      |               | \$ 367,928.50        |               | \$ 439,240.00           |               | \$ 487,875.00         |               |
|                                                                                              |                                                                                                                                              |       |      |                            |               |                    |               |                      |               | Submitted Amount:       | \$466,390.00  |                       |               |

| ALTERNATE BID 1                                                                                                                          |                                                                           |     |     |              |              |              |              |              |              |              |              |              |              |
|------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|-----|-----|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| The alternate items consist of replacing items 11 and 12 for the water services in the Base Bid with Items 1,2 and 3 in Alternate Bid 1. |                                                                           |     |     |              |              |              |              |              |              |              |              |              |              |
| 1                                                                                                                                        | Water Service HDPE 1.25-Inch (Open Cut Excavation with Granular Backfill) | 460 | LF  | \$ 120.00    | \$ 55,200.00 | \$ 105.00    | \$ 48,300.00 | \$ 105.00    | \$ 48,300.00 | \$ 65.00     | \$ 29,900.00 | \$ 91.00     | \$ 41,860.00 |
| 2                                                                                                                                        | Water Service HDPE 1.5-Inch (Open Cut Excavation with Granular Backfill)  | 100 | LF  | \$ 124.00    | \$ 12,400.00 | \$ 105.00    | \$ 10,500.00 | \$ 106.00    | \$ 10,600.00 | \$ 75.00     | \$ 7,500.00  | \$ 196.00    | \$ 19,600.00 |
| 3                                                                                                                                        | HMA Pavement 4 LT 58-28 S (2" Roadway Lower Layer Base Patching)          | 25  | TON | \$ 365.00    | \$ 9,125.00  | \$ 395.00    | \$ 9,875.00  | \$ 245.00    | \$ 6,125.00  | \$ 190.00    | \$ 4,750.00  | \$ 300.00    | \$ 7,500.00  |
| TOTAL - ALTERNATE BID 1:                                                                                                                 |                                                                           |     |     | \$ 76,725.00 |              | \$ 68,675.00 |              | \$ 65,025.00 |              | \$ 42,150.00 |              | \$ 68,960.00 |              |

**BASE BID COST ESTIMATE**  
**NOKOMIS COURT WATER MAIN REPLACEMENT AND**  
**ROAD RESURFACING PROJECT**

**VILLAGE OF FOX POINT**

| <b>BASE BID</b>                                                                         |                                                                                                                                              |            |             |                   |                   |
|-----------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|------------|-------------|-------------------|-------------------|
| <b>ITEM NO.</b>                                                                         | <b>ITEM</b>                                                                                                                                  | <b>QTY</b> | <b>UNIT</b> | <b>UNIT PRICE</b> | <b>TOTAL</b>      |
| 1                                                                                       | Mill and Remove Approximately 2-Inch of Asphaltic Surface at Nokomis Court                                                                   | 1,800      | SY          | \$ 15             | \$ 27,000         |
| 2                                                                                       | Remove Existing 4-Foot Pedestrian Path and Prepare Subgrade for New 5-Foot Wide Path Structure. All Inclusive (See description in page SP-3) | 1          | LS          | \$ 15,000         | \$ 15,000         |
| 3                                                                                       | PVC Water Main 8-Inch                                                                                                                        | 950        | LF          | \$ 180            | \$ 171,000        |
| 4                                                                                       | Hydrant Assembly with 6-Inch Valve and Valve Box Special                                                                                     | 1          | EACH        | \$ 8,500          | \$ 8,500          |
| 5                                                                                       | Hydrant Lead 6-Inch                                                                                                                          | 30         | LF          | \$ 280            | \$ 8,400          |
| 6                                                                                       | <b>Gate Valve and Valve Box 8-Inch</b>                                                                                                       | <b>4</b>   | <b>EACH</b> | \$ 3,500          | \$ 14,000         |
| 7                                                                                       | Corporation Stop 1.25-Inch                                                                                                                   | 10         | EACH        | \$ 1,400          | \$ 14,000         |
| 8                                                                                       | Curb Stop 1.25-Inch                                                                                                                          | 10         | EACH        | \$ 900            | \$ 9,000          |
| 9                                                                                       | Corporation Stop 1.5-Inch                                                                                                                    | 3          | EACH        | \$ 1,500          | \$ 4,500          |
| 10                                                                                      | Curb Stop 1.5-Inch Special                                                                                                                   | 3          | EACH        | \$ 950            | \$ 2,850          |
| 11                                                                                      | Water Service HDPE 1.25-Inch                                                                                                                 | 460        | LF          | \$ 150            | \$ 69,000         |
| 12                                                                                      | Water Service HDPE 1.5-Inch                                                                                                                  | 100        | LF          | \$ 160            | \$ 16,000         |
| 13                                                                                      | Concrete Ditch Liner Replacement All-Inclusive (13 locations. See description in page SP-2)                                                  | 130        | LF          | \$ 100            | \$ 13,000         |
| 14                                                                                      | <b>HMA Pavement (2" Roadway Upper Layer)</b>                                                                                                 | <b>210</b> | <b>TON</b>  | \$ 210            | \$ 44,100         |
| 15                                                                                      | <b>HMA Pavement (2" Roadway Lower Layer Base Bid Patching)</b>                                                                               | <b>6</b>   | <b>TON</b>  | \$ 230            | \$ 1,380          |
| 16                                                                                      | <b>HMA Pavement (Pedestrian Path)</b>                                                                                                        | <b>30</b>  | <b>TON</b>  | \$ 260            | \$ 7,800          |
| 17                                                                                      | Crushed Aggregate ¾-inch Shouldering Material                                                                                                | 40         | TON         | \$ 50             | \$ 2,000          |
| 18                                                                                      | Base Aggregate Dense Material 1-1/4Inch (Pedestrian Path)                                                                                    | 40         | TON         | \$ 60             | \$ 2,400          |
| 19                                                                                      | Temporary Ditch Checks (per location) - 6" Sediment Logs                                                                                     | 6          | EACH        | \$ 80             | \$ 480            |
| 20                                                                                      | Silt Fence                                                                                                                                   | 200        | LF          | \$ 10             | \$ 2,000          |
| 21                                                                                      | Landscape Restoration, All-Inclusive                                                                                                         | 400        | SY          | \$ 10             | \$ 4,000          |
| 22                                                                                      | Traffic Control                                                                                                                              | 1          | LS          | \$ 5,000          | \$ 5,000          |
| <b>NOKOMIS COURT WATER MAIN REPLACEMENT AND ROAD RESURFACING<br/>BASE BID SUBTOTAL:</b> |                                                                                                                                              |            |             |                   | <b>\$ 441,410</b> |
| <b>20% ENGINEERING &amp; CONTINGENCIES</b>                                              |                                                                                                                                              |            |             |                   | <b>\$ 88,282</b>  |
| <b>NOKOMIS COURT WATER MAIN REPLACEMENT AND ROAD RESURFACING<br/>BASE BID TOTAL:</b>    |                                                                                                                                              |            |             |                   | <b>\$ 529,692</b> |





## VILLAGE OF FOX POINT

MILWAUKEE COUNTY

WISCONSIN

VILLAGE HALL

7200 N. SANTA MONICA  
BLVD.

FOX POINT WI 53217-3505

414-351-8900

FAX 414-351-8909

To: Village of Fox Point Village Board

From: Scott Brandmeier, Director of Public Works *SB*

Through: Scott Botcher, Village Manager *SB*

Date: April 2, 2024

Re: Recommendation for Acceptance of Proposal for 2024 Nokomis Watermain Replacement and Road Resurfacing Inspection Services

---

As noted in the recommendation to accept the bid of Advance Construction for the Nokomis Court water main replacement project, staff shifted the Lake Drive water main project to be bid with the DOT resurfacing project which thereby freed up available funding to undertake the work on Nokomis Court. This work is necessitated by virtue of the fact that this segment of water main experienced five water main breaks in less than six months with four of them occurring in a roughly 24-hour period in January.

A bid opening for the project was held on March 26, 2024 and Advance Construction was the low bidder for the work. Typically, staff requests that the engineer who performed the design, in this case Kapur & Associates, also serves as the construction inspector for the construction activities. Kapur & Associates has submitted a proposal to perform the inspection services in the amount of \$48,450 which includes approximately five weeks of full time inspection services, construction staking, general project management, and preparation of as-built documentation. Based on the proposal submitted, the field observation hours and fees (258 hours and \$30,130, respectfully) compose the majority of the fees and the contract is reasonable. As with our other inspection services contracts, the Village will only be billed for actual hours incurred.

Therefore, it is my recommendation the Village Board award the inspection services contract to Kapur & Associates in the amount of \$48,450 and authorize the Village President and Village Clerk/Treasurer to sign the contract on behalf of the Village.



**CONTRACT BETWEEN  
VILLAGE OF FOX POINT AND KAPUR & ASSOCIATES, INC.**

**CONSTRUCTION MANAGEMENT FOR  
NOKOMIS COURT WATER MAIN REPLACEMENT AND ROAD RESURFACING PROJECT**

March 26, 2024

Mr. Scott Brandmeier, PE  
Director of Public Works  
Village of Fox Point  
7200 North Santa Monica Boulevard  
Fox Point, WI 53217

RE: Nokomis Court Water Main Replacement and Road Resurfacing Construction Management

Dear Scott,

We are pleased that the Village has selected Kapur & Associates, Inc. to perform the professional engineering services for the referenced project.

The project location at W. Nokomis Ct. (Between N. Indian Creek Pkwy. and N. Port Washington Road)

**SCOPE OF SERVICES INCLUDES:**

The scope of construction services for the Nokomis Court Water Main Replacement and Road Resurfacing project includes:

1. Meetings with the Village Staff, Contractor, and Residents.
2. Shop drawing/submittals review and approval.
3. Construction staking.
4. Construction inspection:
  - Water Main, Hydrant, Valves and Water Service (assuming 3 weeks of construction at 40 hours per a week)
  - Road and Pedestrian Path reconstruction (assuming two weeks of construction at 40 hours per week)
  - Landscaping restoration (assuming 3 day restoration at 8 hours per day)
5. Payment recommendations
6. Project close out activities, As-Builts, incorporation into GIS system, assistance with reimbursements.



---

**SCHEDULE:**

Construction management will be performed approximately from the middle of May 2024 to the end of October 2024.

**FEES AND BILLINS:**

Our fees for the work described above are detailed in the attached Fee Schedule.

The not to exceed fee for performing the construction management is \$48,450.00.

As always, Fox Point will only bill for the actual hours incurred.

**ACCEPTANCE:**

If this proposal is acceptable, please sign and date this original copy of the Standard General Contract Terms and return it to our office.

Thank you for the opportunity to submit this proposed contract. We look forward to working with you on this project. Should you have any questions, or require further information, please call us at 414-751-7200.

## STANDARD GENERAL CONTRACT TERMS FOR PROFESSIONAL ENGINEER/SURVEY SERVICES

### Article 1 Scope of Services

ENGINEER shall provide CLIENT with services in connection with the Project as described in Scope of Services. ENGINEER shall use the standard of care typically exercised in conducting professional practices outlined in the Scope of Services. ENGINEER makes no warranties, express or implied, under this Agreement or otherwise, in connection with the ENGINEER's service.

Unless otherwise specifically included in the proposal, ENGINEER's scope of services does not include geotechnical or environmental audits for the identification of hazardous wastes, wetlands, floodplains or any other structural or environmental qualities of the land, air or water.

### Article 2 Schedule of Services

ENGINEER shall start and complete work as set forth in the Scope of Services. ENGINEER shall conduct the work in an expeditious manner subject to limitations such as weather, information acquisition, communications and other factors outside of ENGINEER's control. Both parties recognize that the schedule of services is subject to factors that may be unknown at the time of this Agreement.

### Article 3 CLIENT's Responsibility

CLIENT shall do the following in a timely manner so as not to delay the service of ENGINEER:

3.1 Provide all criteria and full information as to CLIENT's requirements for the Project, including design objectives and constraints.

3.2 Assist ENGINEER by placing at ENGINEER's disposal all available information pertinent to the Project including previous reports and any other data relative to design or construction of the Project; all of which the ENGINEER may use and rely upon in performing the services under this Agreement. Verification of the accuracy and completeness of any information provided by the CLIENT is beyond the scope of this agreement.

### Article 4 Payment Terms

CLIENT agrees to pay all fees within 45 days of the date of the invoice. Balances due over 45 days will be assessed an interest rate of 1.5 % per month. CLIENT agrees to pay for any costs of collection including, but not limited to lien costs, court costs or attorneys' fees involved in or arising out of collecting any unpaid or past due balances.

CLIENT understands and agrees to pay for all services rendered regardless of CLIENT's ability or inability to proceed with the project for any reason, gain governmental approvals or permits or secure financing for the project.

### Article 5 Term and Termination

ENGINEER's obligation to render services under this Agreement will extend for a period that may reasonably be required for the services to be provided, including extra work and required extensions. If CLIENT fails to give prompt authorization to proceed with any phase of services after completion of the immediately preceding phase, or if ENGINEER's services are delayed or suspended by CLIENT for more than three months for reasons beyond ENGINEER's control, ENGINEER may, after giving seven days' written notice to CLIENT, suspend or terminate services under this Agreement.

If payment is not received within 45 days of the date of invoice, ENGINEER reserves the right, after giving seven days' written notice to CLIENT, to suspend services to the CLIENT or to terminate this Agreement. ENGINEER shall not be liable to CLIENT or any third parties for any damages caused by the suspension or termination of work for non-payment. CLIENT may terminate this Agreement for any reason or without cause upon 30 days' written notice to ENGINEER. If any work covered by this Agreement is suspended, terminated or abandoned for any reason other than ENGINEER'S breach of the Agreement, the CLIENT shall compensate the ENGINEER for

services rendered to the date of written notification of such suspension, termination or abandonment.

### Article 6 Indemnity

CLIENT and ENGINEER each agree to indemnify and hold the other harmless, and their respective officers, employees, agents and representatives, from and against liability for all claims, losses, damages and expenses, including reasonable attorneys' fees, to the extent such claims, losses, damages or expenses are caused by the indemnifying party's negligent or intentional acts, errors or omissions. In the event claims, losses, damages or expenses are caused by the joint or concurrent negligence of CLIENT and ENGINEER, they shall be borne by each party in proportion to its negligence. Nothing contained within this Agreement is intended to be a waiver or estoppel of the contracting municipality CLIENT or its insurer to rely upon the limitations, defenses, and immunities contained within Wisconsin law, including those contained within Wisconsin Statutes §§ 893.80, 895.52, and 345.05. To the extent that indemnification is available and enforceable, the municipality CLIENT or its insurer shall not be liable in indemnity or contribution for an amount greater than the limits of liability for municipal claims established by Wisconsin Law.

### Article 7 Ownership and Copyright of Documents

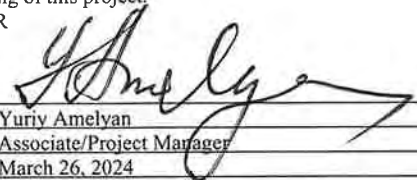
All documents prepared or furnished by ENGINEER pursuant to this Agreement are instruments of ENGINEER's professional service, and ENGINEER shall retain an ownership and property interest therein, including all copyrights. ENGINEER grants CLIENT a license to use instruments of ENGINEER's professional service for the purpose of purchasing or identifying property or constructing the project. Reuse or modification of any such documents by CLIENT, without ENGINEER's written permission, shall be at CLIENT's sole risk, and CLIENT agrees to indemnify and hold ENGINEER harmless from all claims, damages and expenses, including attorneys' fees, arising out of such use by CLIENT or by others acting through the CLIENT.

### Article 8 Electronic Media

Copies of documents that may be relied upon by the CLIENT are limited to the printed copies (also known as hard copies) that are signed or sealed by ENGINEER. Files in electronic formats, or other types of information furnished by ENGINEER to CLIENT such as text, data or graphics, are only for the convenience of CLIENT. Any conclusion or information obtained or derived from such electronic files will be at the user's sole risk. When transferring documents in electronic formats, ENGINEER makes no representations as to long-term compatibility, usability, or readability of documents resulting from the use of software applications packages, operating systems or computer hardware differing from those in use by ENGINEER at the beginning of this project.

ENGINEER

Kapur

By:   
Print: Yuriy Amelyan  
Title: Associate/Project Manager  
Date: March 26, 2024

The above and foregoing proposal is hereby accepted and ENGINEER is authorized to proceed with the work.

CLIENT

Village of Fox Point

By: \_\_\_\_\_ By: \_\_\_\_\_  
Print: \_\_\_\_\_ Print: \_\_\_\_\_  
Title: \_\_\_\_\_ Title: \_\_\_\_\_  
Date: \_\_\_\_\_ Date: \_\_\_\_\_

**COST NOT TO EXCEED**

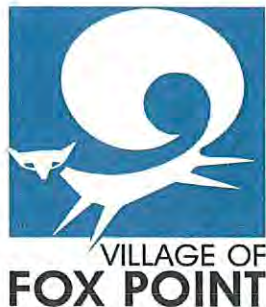
**CONSTRUCTION MANAGEMENT FOR NOKOMIS COURT WATER MAIN REPLACEMENT AND ROAD RESURFACING PROJECT  
VILLAGE OF FOX POINT, WISCONSIN**

| TASK                                  |                                                                                                            | Project Manager | Project Engineer | Construction Inspector | RLS      | Survey Crew | Cad Technician | Total Task Hours | Total Task Cost    |
|---------------------------------------|------------------------------------------------------------------------------------------------------------|-----------------|------------------|------------------------|----------|-------------|----------------|------------------|--------------------|
|                                       |                                                                                                            | \$185.00        | \$135.00         | \$110.00               | \$160.00 | \$150.00    | \$110.00       |                  |                    |
| 1                                     | Meetings with the Village Staff, Contractors and Residents (preconstruction meeting and progress meetings) | 2               | 2                | 4                      |          |             |                | 8                | \$1,080.00         |
| 2                                     | Shop drawing/submittals review and approval                                                                | 4               | 8                | 8                      |          |             |                | 20               | \$2,700.00         |
| 3                                     | Construction staking                                                                                       | 2               |                  | 8                      | 4        | 24          | 16             | 54               | \$7,250.00         |
| 4                                     | Construction inspection:                                                                                   |                 |                  |                        |          |             |                |                  |                    |
| 4 (a)                                 | Water Main, Hydrant, Valves and Water Services Replacement (assuming 3 weeks at 40 hours per week)         | 8               | 8                | 120                    |          |             |                | 136              | \$15,760.00        |
| 4 (b)                                 | Road and Pedestrian Path Reconstruction. Assuming 2 week at 40 hours per week)                             | 8               | 8                | 80                     |          |             |                | 96               | \$11,360.00        |
| 4 (c)                                 | Landscaping Restoration (assuming 3 days at 8 hours per day)                                               | 2               |                  | 24                     |          |             |                | 26               | \$3,010.00         |
| 5                                     | Payment recommendations                                                                                    | 8               |                  | 8                      |          |             |                | 16               | \$2,360.00         |
| 6                                     | Project close out activities, As-Built, incorporation into GIS system                                      | 4               | 2                | 16                     |          |             | 16             | 38               | \$4,530.00         |
| 7                                     | Reimbursable expenses                                                                                      |                 |                  |                        |          |             |                |                  | \$400.00           |
| <b>TOTAL CONSTRUCTION MANAGEMENT:</b> |                                                                                                            | <b>38</b>       | <b>28</b>        | <b>268</b>             | <b>4</b> | <b>24</b>   | <b>32</b>      | <b>394</b>       | <b>\$48,450.00</b> |

**CONSTRUCTION MANAGEMENT FOR NOKOMIS COURT PROJECT  
Village of Fox Point**







VILLAGE OF FOX POINT

MILWAUKEE COUNTY

WISCONSIN

VILLAGE HALL

7200 N. SANTA MONICA  
BLVD.

FOX POINT WI 53217-3505

414-351-8900

FAX 414-351-8909

TO: Fox Point Village Board

From: John T. Gall, Village Forester 

Through: Scott Botcher, Village Manager 

CC: Scott Brandmeier, Village Engineer/DPW Director 

SUBJECT: Contract Award – Emerald Ash Borer Initiative – Ash Treatments

DATE: March 28, 2024

I request that you approve the following contract award to M&M Tree Care LLC for our Summer 2024 EAB Ash Treatment Project. (See attached bid tabulation)

- For the trunk injection program, the bid amount was \$4.29 per DBH inch for trunk injection. The unit price for 2023 treatment was \$4.13 per DBH inch. This treatment is for two-year protection for 377 ash trees.
- It is requested that the funds for this contract come from the Capital Fund – Ash Removal, Replacement and Treatment; Account # 40-91600-833.
- I recommend the Village Board authorize the Village President and Village Clerk to sign the contract on behalf of the Village with **M&M Tree Care, LLC, 8844 W Calumet Rd., Milwaukee, WI** in an amount not to exceed \$32,000.00.
- The \$32,000.00 amount is larger than the bid total of \$31,402.80. This is to allow for an increase in some tree diameters that have occurred since their previous measurements.

\*DBH=Diameter Breast Height or diameter at 4 ½ feet above ground level.



# **VILLAGE OF FOX POINT**

## **BID TABULATION**

### **2024 EMERALD ASH BORER TREATMENTS - March 28, 2024**

**377Ash Trees**

|                                                                        | <b>Trunk Injection - 2 Year<br/>Enamectin Benzoate</b><br>Approx. DBH Inches = 7,320 |                                  |
|------------------------------------------------------------------------|--------------------------------------------------------------------------------------|----------------------------------|
| <b>CONTRACTOR</b>                                                      | <b>PRICE/INCH DBH</b>                                                                | <b>TOTAL TRUNK<br/>INJECTION</b> |
| Crawford Tree & Landscape<br>8760 West Calumet Road<br>Milwaukee, WI   | \$4.33                                                                               | \$31,695.60                      |
| First Choice Tree Care, Inc.<br>W15916 Freistadt Road<br>Germantown WI | \$4.79                                                                               | \$35,062.80                      |
| M&M Tree Service<br>8844 West Calumet Road<br>Milwaukee, WI            | \$4.29                                                                               | \$31,402.80                      |

DBH = Diameter of trunk at breast height (4.5 ft. above ground level)



## VILLAGE OF FOX POINT

MILWAUKEE COUNTY

WISCONSIN

VILLAGE HALL

7200 N. SANTA MONICA  
BLVD.

FOX POINT WI 53217

414-351-8900

FAX 414-351-8909

**To:** Scott Botcher  
**From:** Steve West *EW*  
**Through:** Scott Brandmeier *SB*  
**Date:** March 26, 2024 *KA*  
**Re:** Superintendent Pick-up truck

---

After looking at four different makes of trucks that could replace the Superintendent's truck, **I recommend that the Village accept the quote from Badger Chevrolet in the amount of**

**\$41,556.50** for (1) 2024 Chevrolet Silverado 1500 double cab work truck, with accessories, that includes the trade-in value of \$7,500.00.

Considered in my research were half-ton and three quarter-ton pick-up trucks with four doors and a 6.5 foot bed. Also considered were basic accessories such as weather proof floor mats and debris shield for the vehicle's hood to help extend the life of the vehicle. The makes and models that were considered in this decision included:

- Ford F150 and F250
- Chevrolet 1500 and 2500
- Ram 1500 and 2500
- Toyota Tacoma

The main factors considered in making this recommendation was the immediate availability of the vehicle, vehicle cost, maintenance costs, service, and overall reliability.

Unfortunately, there was not enough time to receive multiple quotes from different vendors due the urgency to replace this vehicle in a timely fashion. In servicing the current Superintendent's vehicle, it was determined that the motor in the current Village truck has very little time left before potential failure. The data pulled from the vehicles main computer combined with specific tests performed leads me to believe that potential failure in the motor is eminent. Research for my recommendation was completed through various dealership websites, as well as speaking to dealership staff, to get truck specifications, price, and availability to help narrow the vehicles down to make the overall best pick for the Village.

A more detailed account of the potential motor failure findings would gladly be presented upon request.

I would recommend replacing this vehicle while the **Badger Chevrolet / 2024 Chevrolet Silverado 1500 double cab work truck** opportunity is still available.

I request an additional \$1,000 for miscellaneous equipment to complete this unit after we take delivery bringing **the total requested at this time to \$42,556.50.**

Thank you,

Steve West

2024 Superintendent Vehicle Replacment

3/14/2024



|                                                             | Toyota Tundra CrewMax SR5                                                                               | Chev 1500 DBL WT                                                                                  | Chev 2500 HD WT                                                                                                      | Ram 1500 Big Horn                                                                                         | Ram2500Tradesman                                                                             | Ford F-150 XL                                                                    | Ford F-250 XL                                                                                                   | Notes |
|-------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|-------|
| <b>Warrantys listed are standard and come with vehicle.</b> | 3 year/36,000 mile Engine<br>5 year/60,000 mile Powertain                                               | 3 year/36,000 mile<br>year/60,000 mile                                                            | 5 3 year/36,000 mile<br>year/60,000 mile                                                                             | 5 3 year/36,000 mile<br>5 year/60,000 mile                                                                | 3 year/36,000 mile<br>5 year/60,000 mile                                                     | 3 year/36,000 mile<br>5 year/60,000 mile                                         | 3 year/36,000 mile<br>year/60,000 mile                                                                          |       |
| <b>Safety and Security</b>                                  | Toyota pre-collision, Air bags, lane assist, Auto high beams                                            | Air bags, Brake assist, forward collision alert, lane assist                                      | Air bags, Brake assist, forward collision alert, lane assist                                                         | Air bags, Brake assist, RAM connect, traction control                                                     | Air bags, Brake assist, RAM connect, traction control                                        | Air bags, seat belt reminder, Anit-theft system, Post crash alert system (SOS)   | Air bags,seat belt reminder, Anti-theft system, Post crash alert system (SOS)                                   |       |
| <b>Performance and Mechanical</b>                           | 4-Wheel disc brake, combined MPG of 19, i-Force 24V V6, limited slip, 4x4, 32 gallon fuel tank          | 4-Wheel disc brake, combined MPG of 17, 27 gallon fuel tank, 4x4, 5.3 L Ecotech enging            | 4-Wheel disc brake, Hill start assist, 4x4, combined MPG of 15, 31 gallon fuel tank, 6.6 L V8, allision transmission | 4-Wheel anti-lock, combined MPG of 17, 4x4, 27 gallon fuel tank, 5.7 Hemi V8                              | 4-Wheel anit-lock, Combined MPG of 15, Auto 4x4, 31 gallon fuel tank, 6.4L Hemi V8           | 4-Wheel anti lock, Combined MPG of 18, Locking Hub 4x4, 2.7 L V6 Ecoboost        | 4-Wheel anti lock, Dual battery, Hill start assist, manual locking hub 4x4, Mono beam, rearview camera,6.8L V8, |       |
| <b>Connectivity and Technology</b>                          | Apple carplay, Andriod auto, 8" display screen, push button start,                                      | Apple carplay, andriod auto, 7" display screen, UISB ports, push button start, rear seat reminder | Apply carplay, andriod auto, 7" display screen, USB ports, push button start, rear seat reminder                     | Apple carplay, android auto, Uconnect-Bluetooth, Wifi, 8.4" display screen                                | Apple Car play, Andiod auto, Uconnect-Bluetooth, Wifi, 8.4" display screen                   | Andriod Apple Car Play, Bluetooth, Wifi, Hotspot, "Fordpass"                     | Andriod and Apple Car Play, bluetooth,wifi, Hotspot, "Fordpass"                                                 |       |
| <b>Interior</b>                                             | Max seating of 6, 60/40 split cloth seat, All power.                                                    | Max seatign of 6, 40/20/40 vinyl bench seat, All power                                            | Max seating of 6, 40/20/40 vinyl bench seat, All power                                                               | Max seating of 6, front and rear cloth bench seats, All power                                             | Max seating of 6, front and rear bench cloth seats, All power                                | 4" Screen, Ais Cond. Cabin Filter, Power Locks and windows                       | 4.2" screen, Air cond, air filter, power locks and windows,                                                     |       |
| <b>Exterior</b>                                             | Aluminum-reinforced composite bed, power rear window, 20" wheels,                                       | Rear step bumper, heated mirrors, power tailgate, heavyduty front springs, 17" wheels             | Rear step bumper, heated mirrors, power tailgate, heavy duty front springs, 18" wheels                               | Crome bumpers, heated mirrors, Skid plates, stanard tailgate, 20" wheels                                  | Crome bumpers, heated mirrors, skid plates, standard tailgate, 18" wheels                    | Tie downs, Tow hooks, Trailer sway control, 18" Wheels                           | Tie downs, Tow hooks, Trailer sway control, LED box lighting, 18" Wheels                                        |       |
| <b>Miscellaneous Specs. and Notes</b>                       | 400 Watt/120V rear power supply, Training involved for maintanence, Extra PM equipment and tools needed | Spray-in bed liner, Village bhas items for PM's in stock                                          | Comes with snow plow prep package (Not needed), Village has items for PM's in stock                                  | 400 Watt inverter for power, Some training involved with maintenance, Extra PM equipment and tools needed | Exterior AC outlet, Also minor training for maintanence, Extra PM equipment and tools needed | Stainless steel exhaust, spray-in bed liner, Village has items for PM's in stock | Packages include that are not needed like towing and snow prep. Village has items for PM's in stock             |       |
| <b>Prices listed are before trade-in and discount</b>       | \$58,577.00                                                                                             | \$46,187.00                                                                                       | \$54,300.00                                                                                                          | \$54,305.00                                                                                               | \$54,801.00                                                                                  | \$54,200.00                                                                      | \$56,875.00                                                                                                     |       |





VILLAGE OF FOX POINT

MILWAUKEE COUNTY

WISCONSIN

VB Agenda Pckt 04/09/2024

Page 128 of 446

VILLAGE HALL

7200 N. SANTA MONICA BLVD.

FOX POINT WI 53217-3505

414-351-8900

FAX 414-351-8909

To: Village Board

From: Scott A Botcher, Village Manager *SAB*

cc: Scott Brandmeier, Village Engineer/DPW Director

Date: April 3, 2024

Re: Pickup

---

Steve West had a lengthy memo explaining the decision process and recommendation, but I wanted to add some additional detail.

The Superintendent's truck is a Chevrolet Colorado tentatively scheduled to be replaced in 2 years. Approximately a month ago, the engine became almost inoperable. It was determined that repairing or replacing the engine could cost approximately \$7500 or more. Investing this money into an older truck which would be traded in two years makes little sense to me.

The price for the replacement truck surprised us all on the staff as it is substantially less than we feared. Taking advantage of this opportunity now is in our best interest.

Finally, this will be paid for out of the Capital fund.

Thank you, and please contact me before the meeting should you have further questions





## VILLAGE OF FOX POINT

MILWAUKEE COUNTY

WISCONSIN

VILLAGE HALL

7200 N. SANTA MONICA  
BLVD.

FOX POINT WI 53217-3505

414-351-8900

FAX 414-351-8909

To: Village of Fox Point Village Board

From: Scott Brandmeier, Director of Public Works *SB*

Through: Scott Botcher, Village Manager *SB*

Date: April 2, 2024

Re: Recommendation for Approval of the Milwaukee Metropolitan Sewerage District Work Plan

The 2023 revetment construction project with Michels included, among other things, lining of portions of the sanitary sewer main on Beach Drive. During pre-lining televising, it was determined that a significant amount of infiltration and inflow (I&I) was entering the sanitary sewer main from three residential laterals located along this stretch of main. The lining contractor noted that they would not be able to line the sanitary sewer main until the infiltration was significantly reduced.

Last summer, staff began working with each of the property owners to try and identify the extent of the problem emanating from their laterals. This information was shared with each of them. Concurrently, staff was working with Kapur & Associates (who has oversaw prior lateral rehab projects for the Village) to obtain quotes to line the sanitary sewer laterals and replace portions of the riser pipes understanding that the Village would not be responsible for the cost of the rehabilitation work. Rather, much like our prior private property infiltration and inflow rehabilitation projects, staff and our consultant solicit quotes for the work while the property owner is required to pay for the rehab. However, under Village policy, each property owner is eligible to receive reimbursement of a portion of their costs; the present policy is that they are eligible for 50 percent reimbursement up to a maximum of \$5,000. In turn, MMSD reimburses the Village for its costs incurred.

In December, a quote was received to perform lining work for the laterals and, as staff was working with MMSD to develop a work plan the contractor backed out. This caused the Village to look at alternatives and, after discussing the matter with Kapur and a few contractors, the decision was made that the next best alternative was to pipe burst new laterals through the existing laterals. Staff and Kapur then solicited quotes from three contractors with Globe having the lowest cost to perform the work.

Simultaneously, staff was working with each of the property owners to obtain signed agreements to proceed with the work. Once the quotes were in place and the owners agreed to undertake

the work (which they will separate contract for), staff prepared the attached work plan and submitted it to MMSD for their consideration. Under the work plan, each property owner will contract with Globe and pay for the rehabilitation of their laterals and/or risers. After payment is made to Globe, the property owners will submit their \$5,000 reimbursement request to the Village. Additionally, the Village will pay for Kapur to inspect the work done at each of the laterals. Upon completion of the work, staff will seek reimbursement from MMSD for the \$5,000 per property as well as all inspection costs.

The work plan that has been prepared reflects the quote from Globe, work to be performed, the signed applications from the property owners, inspection reports, and estimated inspection costs. MMSD is scheduled to review the work plan on April 8, 2024 and may have minor comments (e.g., incorporating the other quotes received, etc.) but it is anticipated that they will approve the work plan for the proposed rehab work. I am presenting this to the Village Board now because the goal is to complete the rehab work in April prior to our contractor (Michels and their subcontractor Visu-Sewer) coming back in May to perform final landscape restoration and lining of the sanitary sewer main. Therefore, it is my recommendation that the Village Board authorize the Director of Public Works to finalize the work plan and execute the agreement with MMSD for reimbursement of costs incurred.



## 2024 PPII Work Plan

This checklist / template serves as the standard form for submitting a Work Plan to MMSD as a request to commit funds from your Municipal Funding Allocation Account to a project proposed for reimbursement through the MMSD PPII Reduction-M Program. If approved, the Work Plan will be the basis for a Funding Agreement between the municipality and MMSD. Please complete all fields comprehensively and submit this electronically-fillable-form and supporting document attachments via [MMSD's Municipal Portal](#).

### I. CONTACT INFORMATION

|                                                                                                                                                                                                              |                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| <b>Municipality</b>                                                                                                                                                                                          |                                                          |
| Applicant Name: Village of Fox Point                                                                                                                                                                         | Municipality: Village of Fox Point                       |
| Mailing Address: 7200 North Santa Monica Boulevard                                                                                                                                                           |                                                          |
| Phone #: 414-247-6624                                                                                                                                                                                        | Email: sbrandmeier@villageoffoxpoint.com                 |
| Primary Contact: Scott Brandmeier                                                                                                                                                                            | Primary Contact email: sbrandmeier@villageoffoxpoint.com |
| Primary contact phone #: 414-247-6624                                                                                                                                                                        |                                                          |
| <b>Consultant (if applicable)</b>                                                                                                                                                                            |                                                          |
| Firm: Kapur & Associates                                                                                                                                                                                     | Consultant's PM's Name: Yuriy Amelyan                    |
| Consultant Email: yamelyan@kapurinc.com                                                                                                                                                                      | Consultant Phone number: 414-313-4342                    |
| <b>Funding Agreement Signatories</b><br>Provide the names and position titles of all municipal staff that will be required to sign the funding agreement. (i.e., mayor, administrator, clerk, attorney etc.) |                                                          |
| Name: Christine Symchych                                                                                                                                                                                     | Position Title: Village President                        |
| Name: Sara Bruckman                                                                                                                                                                                          | Position Title: Village Clerk/Treasurer                  |
| Name:                                                                                                                                                                                                        | Position Title:                                          |
| Name:                                                                                                                                                                                                        | Position Title:                                          |
| Name:                                                                                                                                                                                                        | Position Title:                                          |

## II. PROPOSED SCOPE OF WORK

1. What type of work will be included in this work plan application? Check all applicable.

- ☐ Planning    ☐ Investigative    ☒ Construction/Rehab    ☐ Post Project Evaluation    ☐ Training  
☐ Other

2. What is the total value of the request by the municipality for funding through the PPII program for work outlined in this work plan?      \$ 35,280.00

3. What is the total number of properties in the project area?    3

4. What is the assumed number of participating properties?    3

5. What is your justification for the assumed participation rate?

- ☒ Prioritization of properties based on investigative work    ☐ Assumed percent of total based on previous projects    ☐ Existing ROE agreements  
☐ Other (Fill in Blank):

6. Provide the scope of work that will be included in this work plan. This should include a detailed description of the work type(s) selected in Section II. Question 1.

Install sheet piling adjacent to revetment, excavate to top of riser pipe (approximately 15 to 16 feet deep), replace the upper portion of the riser and elbows, and pipe burst a new lateral under the road from the riser pipe on the east side of the road to the right of way on the west side of the road (for 7515 and 7521). It is noted that the sanitary lateral for 7515 was lined from the house to the western ROW about 2012, that no lining was performed at 7521 in 2012 and that the lateral for 7535 was lined from the then existing house to the east side of the road. The lateral for 7515 will be replaced with pipe bursting to the point where lining stopped. The property at 7521 is currently being improved with a new home and the plumbing contractor (Budiac Plumbing) will connect the new sanitary lateral (pipe burst across the road) from the home into the newly constructed/pipe burst sanitary sewer lateral. The property at 7535 is currently vacant but will be improved and construction may start in 2024. Similar to 7521, work will be performed on the riser and bends and a determination will be made where to connect the new portion of the riser to the existing lateral.

7. What entity (e.g., municipality staff, consultant, contractor, District, etc.) is responsible for each scope of work scope listed in Section II. Question 6.

Scott Brandmeier, Director of Public Works for the Village of Fox Point, has been working with Yuriy Amelyan from Kapur & Associates to assist the property owners in obtaining quotes to perform the work. Kapur will be retained to provide construction inspection services for the work while Scott will assist the property owners during the construction.

8. Describe the municipal process(es) for procurement of all professional and non-professional (field work and construction) components of work and the basis for each.

Staff solicited four quotes for the work. The original quote was from Mr. Rooter to have the riser pipe and bends replaced and the remaining portion of the sanitary lateral lined from the east side of the road to the west side. Mr. Rooter, however, backed out due to concerns over the amount of infiltration.

Subsequently, Village and Kapur staff solicited quotes from approximately five contractors but received quotes from three: Globe Contractors, MJ Construction and Virtue Construction. In this particular situation, the plan is to have the individual property owners execute a contract with Globe (lowest quote received). In turn, the property owners will execute an agreement with the Village of Fox Point for the work to be performed. The property owners will reimburse the contractor and, after that has occurred, will submit their documentation of payment to the Village which will be included in a reimbursement request to MMSD.

Additionally, Fox Point will contract with Kapur & Associates to perform the inspection services for the projects. Fox Point will submit reimbursement requests to MMSD for the cost of their work.



### III. PROJECT AREA CHARACTERISTICS

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                     |                                         |                                    |                                                                       |                                  |          |                                 |         |                                         |               |                                         |               |                                       |          |                                       |          |                                    |  |                                    |  |                                   |  |                                   |  |                                   |  |                                   |  |                              |  |                              |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|-----------------------------------------|------------------------------------|-----------------------------------------------------------------------|----------------------------------|----------|---------------------------------|---------|-----------------------------------------|---------------|-----------------------------------------|---------------|---------------------------------------|----------|---------------------------------------|----------|------------------------------------|--|------------------------------------|--|-----------------------------------|--|-----------------------------------|--|-----------------------------------|--|-----------------------------------|--|------------------------------|--|------------------------------|--|
| 1. What is the predominant age of the homes in the project area?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <input type="checkbox"/> Pre 1940's                                 | <input type="checkbox"/> 1940 – 1960    | <input type="checkbox"/> 1961-1980 | <input checked="" type="checkbox"/> 1981-Present                      |                                  |          |                                 |         |                                         |               |                                         |               |                                       |          |                                       |          |                                    |  |                                    |  |                                   |  |                                   |  |                                   |  |                                   |  |                              |  |                              |  |
| 2. What is the average lot size within the project area?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 40000                                                               |                                         |                                    | <input checked="" type="checkbox"/> SF <input type="checkbox"/> Acres |                                  |          |                                 |         |                                         |               |                                         |               |                                       |          |                                       |          |                                    |  |                                    |  |                                   |  |                                   |  |                                   |  |                                   |  |                              |  |                              |  |
| 3. In this area, is it typical that foundation drains are connected?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |                                         |                                    |                                                                       |                                  |          |                                 |         |                                         |               |                                         |               |                                       |          |                                       |          |                                    |  |                                    |  |                                   |  |                                   |  |                                   |  |                                   |  |                              |  |                              |  |
| 4. What sewershed(s) or metershed(s) is this project located in?<br><br>Basin 8                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                     |                                         |                                    |                                                                       |                                  |          |                                 |         |                                         |               |                                         |               |                                       |          |                                       |          |                                    |  |                                    |  |                                   |  |                                   |  |                                   |  |                                   |  |                              |  |                              |  |
| 5. Approximate year sanitary sewer collection system was installed: 1934                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                     |                                         |                                    |                                                                       |                                  |          |                                 |         |                                         |               |                                         |               |                                       |          |                                       |          |                                    |  |                                    |  |                                   |  |                                   |  |                                   |  |                                   |  |                              |  |                              |  |
| 6. Collection system characteristics in project areas: <table style="width: 100%; border: none;"> <tr> <td style="width: 25%;">Host Pipe Material(s): Mainlines</td> <td style="width: 15%;">Mainline</td> <td style="width: 25%;">Host Pipe Material(s): Laterals</td> <td style="width: 15%;">Lateral</td> </tr> <tr> <td><input checked="" type="checkbox"/> VCP</td> <td>Pipe Size(s):</td> <td><input checked="" type="checkbox"/> VCP</td> <td>Pipe Size(s):</td> </tr> <tr> <td><input type="checkbox"/> Ductile Iron</td> <td>8-inches</td> <td><input type="checkbox"/> Ductile Iron</td> <td>6-inches</td> </tr> <tr> <td><input type="checkbox"/> Cast-Iron</td> <td></td> <td><input type="checkbox"/> Cast-Iron</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Concrete</td> <td></td> <td><input type="checkbox"/> Concrete</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Asbestos</td> <td></td> <td><input type="checkbox"/> Asbestos</td> <td></td> </tr> <tr> <td><input type="checkbox"/> PVC</td> <td></td> <td><input type="checkbox"/> PVC</td> <td></td> </tr> </table> |                                                                     |                                         |                                    |                                                                       | Host Pipe Material(s): Mainlines | Mainline | Host Pipe Material(s): Laterals | Lateral | <input checked="" type="checkbox"/> VCP | Pipe Size(s): | <input checked="" type="checkbox"/> VCP | Pipe Size(s): | <input type="checkbox"/> Ductile Iron | 8-inches | <input type="checkbox"/> Ductile Iron | 6-inches | <input type="checkbox"/> Cast-Iron |  | <input type="checkbox"/> Cast-Iron |  | <input type="checkbox"/> Concrete |  | <input type="checkbox"/> Concrete |  | <input type="checkbox"/> Asbestos |  | <input type="checkbox"/> Asbestos |  | <input type="checkbox"/> PVC |  | <input type="checkbox"/> PVC |  |
| Host Pipe Material(s): Mainlines                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Mainline                                                            | Host Pipe Material(s): Laterals         | Lateral                            |                                                                       |                                  |          |                                 |         |                                         |               |                                         |               |                                       |          |                                       |          |                                    |  |                                    |  |                                   |  |                                   |  |                                   |  |                                   |  |                              |  |                              |  |
| <input checked="" type="checkbox"/> VCP                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Pipe Size(s):                                                       | <input checked="" type="checkbox"/> VCP | Pipe Size(s):                      |                                                                       |                                  |          |                                 |         |                                         |               |                                         |               |                                       |          |                                       |          |                                    |  |                                    |  |                                   |  |                                   |  |                                   |  |                                   |  |                              |  |                              |  |
| <input type="checkbox"/> Ductile Iron                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 8-inches                                                            | <input type="checkbox"/> Ductile Iron   | 6-inches                           |                                                                       |                                  |          |                                 |         |                                         |               |                                         |               |                                       |          |                                       |          |                                    |  |                                    |  |                                   |  |                                   |  |                                   |  |                                   |  |                              |  |                              |  |
| <input type="checkbox"/> Cast-Iron                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                     | <input type="checkbox"/> Cast-Iron      |                                    |                                                                       |                                  |          |                                 |         |                                         |               |                                         |               |                                       |          |                                       |          |                                    |  |                                    |  |                                   |  |                                   |  |                                   |  |                                   |  |                              |  |                              |  |
| <input type="checkbox"/> Concrete                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                     | <input type="checkbox"/> Concrete       |                                    |                                                                       |                                  |          |                                 |         |                                         |               |                                         |               |                                       |          |                                       |          |                                    |  |                                    |  |                                   |  |                                   |  |                                   |  |                                   |  |                              |  |                              |  |
| <input type="checkbox"/> Asbestos                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                     | <input type="checkbox"/> Asbestos       |                                    |                                                                       |                                  |          |                                 |         |                                         |               |                                         |               |                                       |          |                                       |          |                                    |  |                                    |  |                                   |  |                                   |  |                                   |  |                                   |  |                              |  |                              |  |
| <input type="checkbox"/> PVC                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                     | <input type="checkbox"/> PVC            |                                    |                                                                       |                                  |          |                                 |         |                                         |               |                                         |               |                                       |          |                                       |          |                                    |  |                                    |  |                                   |  |                                   |  |                                   |  |                                   |  |                              |  |                              |  |
| 7. Within the project area, is the mainline rehabilitated? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> <p>If “Yes,” provide details on the year(s) the work was completed, the type and location of rehabilitation used, and if any rehabilitation of the sanitary sewer laterals within the ROW was completed.</p> <p>The purpose for performing the lateral rehabilitation at 7515, 7521 and 7535 North Beach is so that the sanitary sewer main can be rehabilitated (CIPP lining). We found too much infiltration entering the system from these properties last spring and need to rehab these first before the lining can proceed. Fox Point is already under contract to have the sanitary sewer main lined.</p>                                                                                                                                                                                                                                                                                                                              |                                                                     |                                         |                                    |                                                                       |                                  |          |                                 |         |                                         |               |                                         |               |                                       |          |                                       |          |                                    |  |                                    |  |                                   |  |                                   |  |                                   |  |                                   |  |                              |  |                              |  |

8. Will non-MMSD funded public infrastructure work be contracted or completed with the private property work? ☐ Yes ☒ No

If “Yes”, provide details of the public work.

9. Include with your application, two maps:

- One of the limits of the sewershed(s) or metershed(s) the project is in;
- And one of the project limits.

Both maps shall meet the following requirements.

- Maps shall use a street or aerial view as base map.
- Major street names shall be labeled and legible.
- Limits of the sewershed(s) and/or metershed(s),
- Project limits shall be defined by a bold red line.
- Sanitary and storm system line work shall be shown at a scale appropriate to the scale of the drawing.
- A north arrow and legend shall be included.
- Maps shall be between 5 and 40 scale and to a standard paper size (i.e., 8.5”x11, 11”x17”, etc.)
- Maps shall be submitted as PDF electronic files.

#### IV. PROJECT JUSTIFICATION

1. Has any planning and/or investigative work within the project area been completed to date? (i.e., Flow monitoring, interior home inspections, sewer CCTV, analysis of flooding/backup issues in the area, etc.) ☒ Yes ☐ No

If "Yes," was the work completed through a previous PPII funding agreement? ☐ Yes ☒ No

If the answer is "Yes" to both questions, describe the work completed and cite report names and funding agreement reference number(s) the work was completed under.

If completed independent of the PPII program, include the report(s) with this application in electronic format and list the name of the report(s) in this section.

The risers and portions of the laterals were televised in 2020 as part of our PPII program. Namely, the Village had identified over 200 laterals that had riser pipes as well and these areas were televised to determine their condition given failures that had occurred on prior lines in the past. These reports are included as follows:

7515 lat insp report 1 and 2  
7521 lat insp report 1 and 2  
7525 lat insp report 1 through 4

2. Describe how the project area and approach was chosen and prioritized.

This project area was chosen due to the excessive I/I entering the system and inability to line the sanitary main that the laterals connect into. Further, given the amount of I/I and the proximity of the main with MMSD's lift station, lining of the main and rehabilitation of the laterals appears to be the most practical approach to alleviating the I/I concerns in this stretch of main.

3. What is the status of all project area sewershed(s)/metershed(s) as related to the District Chapter 3 rules for wet weather performance?

☐ Non-compliant ☒ Compliant ☐ Inconclusive ☐ Not Analyzed

If "Noncompliant," has PPII work been completed to date within the Project Area metershed(s)? If yes, provide details on the scope of work completed and location.

Please note that MMSD has listed Basins 3 and 4 as being non-compliant but that information dates back approximately 8 years and I don't believe any further monitoring was performed to determine whether those basins still fall within that category. However, it is my understanding that all other basins are compliant.

|                                                                                                                                                                                                                                                                                     |                                                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
| 4. Does the municipality have any permitted (or unpermitted) wet-weather bypass locations in the project area?<br>If "Yes," provide approximate frequency and average volume per frequency for over the last ten years.                                                             | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                  |
| 5. Does the project area have a history of CSOs or SSOs?<br>If "Yes," provide the frequency of occurrences over the last ten years.<br>13 events since 2010 and 9 since 2014 - on average, one per year depending on the rain event. However, there have been no events since 2021. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                  |
| 6. Does the municipality have recurring basement backup reports in the project area?<br>If "Yes", please provide the average annual number of reports in the last ten years and the estimated storm recurrence interval that typically causes basement backups.                     | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                  |
| 7. Do you have existing pre-project baseline data for this project area, such as metering, lift station run time, bypass pumping, basement backups, etc.?                                                                                                                           | <input type="checkbox"/> Yes – go to item 8<br><input checked="" type="checkbox"/> No – go to item 9 |
| 8. Describe and detail information on the pre-project baseline data you have collected including type, location, and date ranges. If a MMSD meter is used as a source for this data, provide meter name and location.                                                               |                                                                                                      |

9. Do you plan on collecting pre-project baseline data as part of this project?

☐ Yes – go to item 10

☒ No – go to item 11

10. Describe the pre-project data that will be collected to provide a baseline for improvement. If you intend to use or request MMSD portable meters, list the quantity, expected time frame installation and monitoring period.

11A. For construction projects, how do you intend to report project performance results? Please select all that apply.

☐ Flow Metering

☐ Reduced CSO/SSO

☐ Identify I/I Sources

☐ Participation Rates

☐ Reduced Basement Backup Reports

☒ Other:

Please provide quantitative and/or qualitative measures for success as they relate to the selected project performance metrics.

Project performance will be measured based on the rehabilitation of the riser pipes and laterals. All three contribute I/I to the system based on televised documentation and rehab of these sections of pipe will significantly alleviate the I/I entering the system.

11B. For investigative projects, what deliverables will be provided to document the findings of the work completed? How will these findings feed into the next phase of the PPII reduction work?



## V. SCHEDULE

Include a schedule of the work with all major tasks and milestone dates for completion including:

- District and municipal administrative approvals
- Local board/council approvals
- Work task(s) start and finish
- Public outreach
- Key deliverables
- Reimbursement requests

The schedule needs to be realistic and achievable based on District approval timelines, local approval timelines, bidding process timelines, work production rates, and weather-related considerations. Identify and highlight any milestone dates by which the municipality is requesting the District to meet to keep your schedule (e.g., local council or board agenda deadlines). Provide the schedule in PDF format.

## VI. FINANCIALS

1. Include a comprehensive cost estimate broke down to the task level which includes costs for: all internal municipal staff time which is being requested to be reimbursed, professional services including hours estimates and rates, construction costs by estimated units and estimated unit costs, inspection services, public outreach, and staff training. Attach an Excel version of the estimate to the application when submitting.

Please reference ([Chapter 9 - MMSD Standard Forms, PPII Muni Resource Webpage](#)) the *MMSD Engineer's Cost Estimate Template* for an example or to submit with this work plan.

2. Are other funding sources, besides MMSD PPII funds, contributing to the total project ☒ Yes ☐ No  
cost? i.e., municipal funds, grant funding, property owner cost share, etc.

If "Yes," list all addition funding sources, the specific work which will be covered by an additional funding source, and the value.

Property owner cost share. Namely, the property owner will be required to pay the contractor cost and, thereafter, submit copies of the invoice to the Village for reimbursement of the work completed. We will submit their reimbursement request and documentation to MMSD for each individual \$5,000 reimbursement request.

Village share. The Village will initially fund the cost of the inspection services and, upon completion, seek reimbursement from MMSD for the costs incurred.

3. Explain the means and methods for segregating the cost (MMSD reimbursable costs and public work costs).

Per property: Village policy permits a reimbursement of 50% of the cost up to a maximum of \$5,000. The remaining cost is the responsibility of the property owner. As noted, the property owner will be required to pay the contractor and the Village will seek reimbursement from MMSD upon receipt of documentation that payment has been made.

For inspections: The Village will track the inspection costs and submit a reimbursement request to MMSD for the entire cost. The inspection costs are currently based on full-time inspection over the course of two or three days (depending on the location) but will be billed on a time and materials not to exceed basis. The cost estimate for 7515 and 7521 is \$7,160.00 and the cost estimate for 7535 is \$5,960.00. This totals \$20,280.00.

4. What department/individual/entity will be submitting and processing the reimbursement requests? Please include the name and contact information.

Scott Brandmeier  
Director of Public Works  
Village of Fox Point  
7200 North Santa Monica Boulevard  
Fox Point, WI 53217  
sbrandmeier@villageoffoxpoint.com  
414-247-6624

5. MMSD requires all invoicing to be submitted via e-Builder. Will e-Builder training be necessary for the department/individual/entity that will be submitting and processing the reimbursement requests? ☐ Yes ☒ No

## VII. PUBLIC OUTREACH

1. In regard to this work plan, have you completed any prior public outreach work in this project area (e.g., mailings, public meetings, door knocking, etc.) ☒ Yes – go to item 2 ☐ No – go to item 3

2. Describe in detail the pre-project public outreach work you have completed to date, including the method and entity responsible.

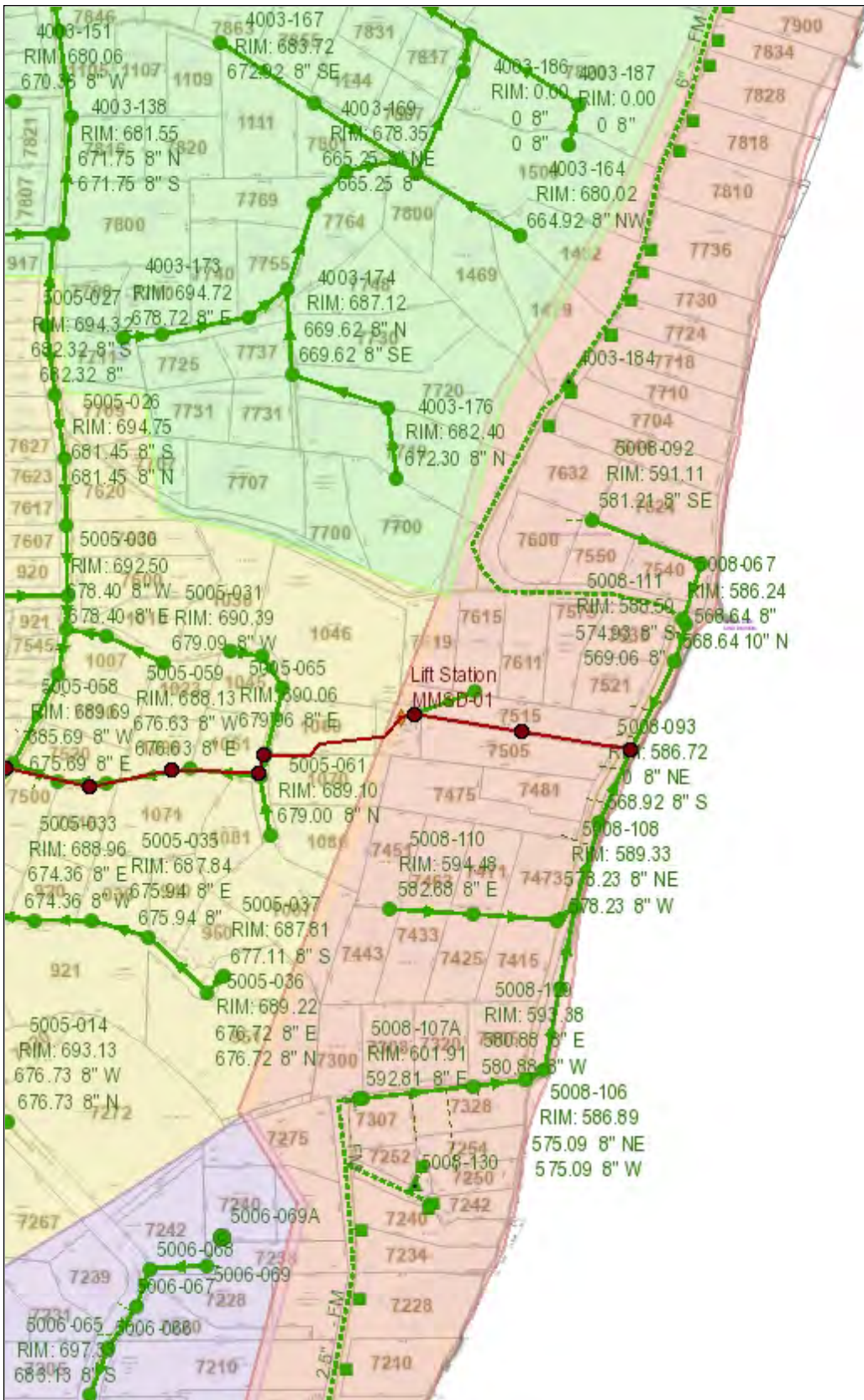
Staff has had multiple email and phone conversations with each of the property owners. In some cases, an initial letter was sent to the property owners noting the problems with the individual laterals and then conversations continued with each in order to address any questions and concerns.

3. Describe in detail your public outreach approach for this project (Examples of public outreach include, but are not limited to; mailings, websites, social media, canvassing, public meetings, etc.). Please include:

- What entity/individuals/departments will be responsible for the public outreach. If a specific person or entity is responsible for public outreach, include the name and contact information.
- The timing and anticipated level of effort that is anticipated to be necessary for the public outreach effort.
- Any venues and/or communication platforms that will be used. Please consider what channels of communication your municipality already utilizes to communicate with residents.

The only other public outreach may be to have a kick off meeting with the contractor and the individual owners as well as individual discussions during and after construction work being performed on the property.

**2024 Village of Fox Point  
Beach Drive Work Plan  
Sewershed Map**



## Work Plan 12

### Sewershed/Basin 5008 - Fox Point



VILLAGE OF FOX POINT

7200 North Santa Monica Blvd

Fox Point, WI 53217

(414) 351-8900

DISCLAIMER: The Village of Fox Point Does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.

SCALE: 1" = 500'

Print Date: 3/11/2024



**2024 Village of Fox Point  
Beach Drive Work Plan  
Project Limit Map**

Please note the following on the map:

- The storm sewer is not shown as the system along this stretch of road has a rural, ditch cross section. Also, new storm sewer was installed last August and as-builts are not yet in the system but should not be impacted as these extend from the west side of Beach to the east side.
- The properties are highlighted in blue rather than outlined in red as that is how our GIS is set up to delineate properties.
- The scale is not precisely as requested due to the size of the project limits.



## Project Limit Map

7515, 7521 & 7535 North Beach Drive

**DISCLAIMER:** The Village of Fox Point Does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.



SCALE: 1" = 100'



VILLAGE OF FOX POINT  
7200 North Santa Monica Boulevard  
Fox Point, WI 53217  
(414) 351-8900

Print Date: 3/11/2024

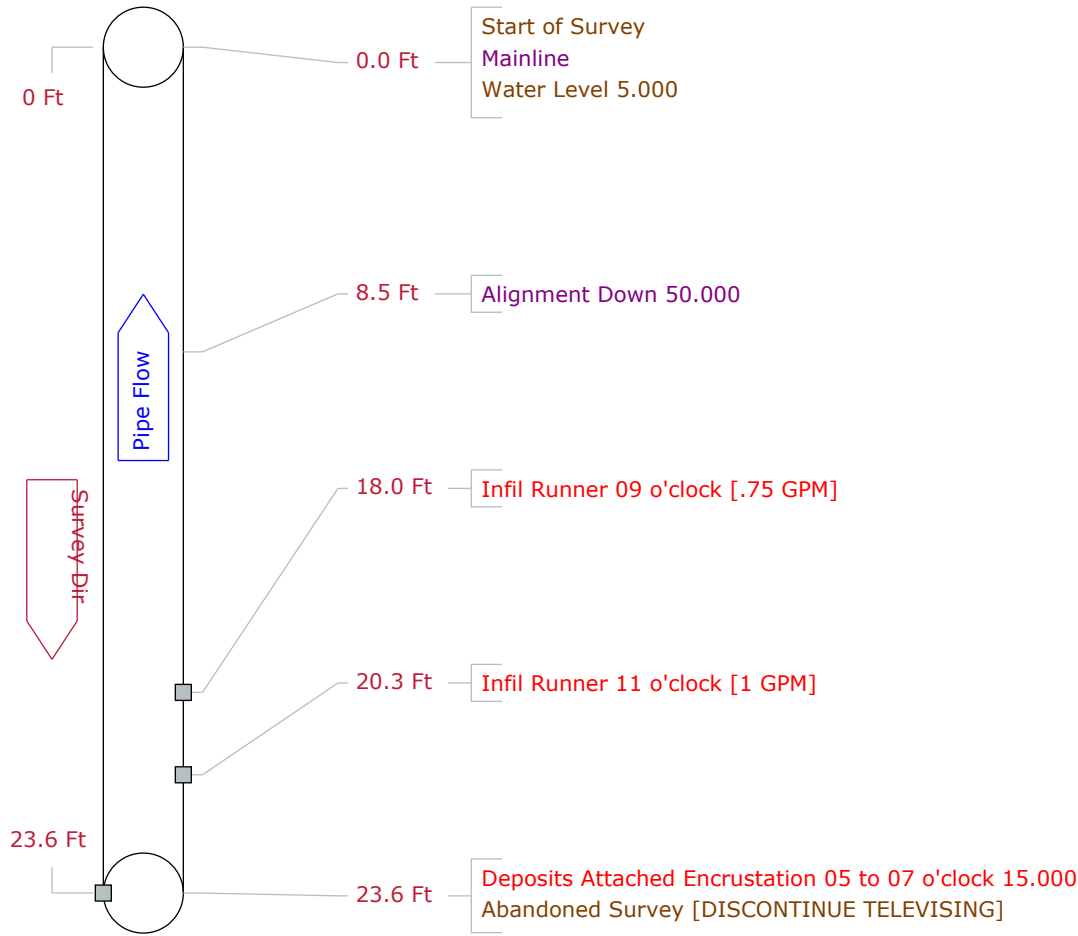
**2024 Village of Fox Point  
Beach Drive Work Plan  
7515 North Beach  
Lateral Inspection Reports 1 and 2**

Lateral Pipe Graphic  
PSR Mainline  
Project

7515 N. Beach Dr.  
MH 08-16305 to 08-067  
20341

For Village of Fox Point

|                   |               |                  |                     |                 |                       |
|-------------------|---------------|------------------|---------------------|-----------------|-----------------------|
| PO Number         | Work Order    | Media #          | 20341               | Sheet           | 74                    |
| Surveyor          | Bill Krohn    | Cert.            | U609-1885           | Surveyed On     | 07/08/2020 12/30/1899 |
| Street            | N. Beach Dr.  | City             | Fox Point           |                 |                       |
| Upstream MH       | MH 08-067     | Downstream MH    | MH 08-16305         |                 |                       |
| Drainage Area     | Clean Out     | Building Address |                     |                 |                       |
| System Owner      | Size          | 6 ins            | Total Length        | Ft              | Property Line 0 Ft    |
| Direction         | Upstream      | Material         | Vitrified Clay Pipe | Lining          |                       |
| Use               | Sanitary      | Preclean         | No Pre-Cleaning     | Weather         | Dry                   |
| Location          | Light Highway | Date Cleaned     |                     |                 | 0 Ft                  |
| Year Laid         |               | TapLoc           | 0 Ft                | Purpose         | Routine Assessment    |
| Additional Info   | 8" main line  |                  |                     |                 | Downstream            |
| Location Remarks  |               |                  |                     | Length Surveyed | 23.60 Ft              |
| Northing          | Easting       |                  | Elevation           |                 |                       |
| Coordinate System |               |                  | GPS Accuracy        |                 |                       |



Great Lakes TV Seal, Inc.  
Phone: 920-863-3663  
Fax: 920-863-3662

Tabular Report of Lateral      7515 N. Beach Dr.      for      Village of Fox Point  
Main Line      MH 08-16305 to 08-067  
Project      20341

|                   |                      |               |                     |                      |                    |                  |            |
|-------------------|----------------------|---------------|---------------------|----------------------|--------------------|------------------|------------|
| Job Number        | Work Order           |               |                     | Media #              | 20341              | Setup            | 74         |
| Surveyor          | Bill Krohn           | Certificate # | U609-1885           | Cert#                | 07/08/2020         |                  | 3:59:00 PM |
| Street            | N. Beach Dr.         |               |                     | City                 | Fox Point          |                  |            |
| UpManhole         | MH 08-067            |               |                     | Downstream MH        | MH 08-16305        |                  |            |
| Drainage          |                      | Clean Out     |                     |                      |                    | Building Address |            |
| System Owner      | Village of Fox Point | Size          | 6 ins               | Total Length         | Ft                 | Property Line    | 0 Ft       |
| Direction         | U                    | Material      | Vitrified Clay Pipe | Lining               |                    |                  |            |
| Use               | Sanitary             | PreCleaned    | No Pre-Cleaning     | Weather              | Dry                |                  |            |
| Location          | Light Highway        | Date Cleaned  |                     | Cleanout RimToInvert |                    |                  | 0 Ft       |
| Year Laid         | TapLoc               | 0 Ft          |                     | Survey Purpose       | Routine Assessment |                  |            |
| Comments          | 8" main line         |               |                     |                      |                    | Start MH         | Downstream |
| Location Comments |                      |               |                     |                      |                    | Length Surveyed  | 23.6 Ft    |
| Northing          |                      | Easting       |                     | Elevation            |                    |                  |            |
| Coordinate System |                      |               |                     | GPS Accuracy         |                    |                  |            |

| Count | Video | CD | Code | In1 | In2 | %  | Jnt | Fr | To | ImRef | Remarks                        |
|-------|-------|----|------|-----|-----|----|-----|----|----|-------|--------------------------------|
| 0.0   |       |    | ST   |     |     |    |     |    |    |       | Start of Survey                |
| 0.0   |       |    | AML  |     |     |    |     |    |    |       | Mainline                       |
| 0.0   |       |    | MWL  |     |     | 5  |     |    |    |       | Water Level                    |
| 8.5   |       |    | LD   |     |     | 50 |     |    |    |       | Alignment Down                 |
| 18.0  |       |    | IR   |     |     |    | J   | 09 |    |       | .75 GPM                        |
| 20.3  |       |    | IR   |     |     |    | J   | 11 |    |       | 1 GPM                          |
| 23.6  |       |    | DAE  |     |     | 15 | J   | 05 | 07 | 0001  | Deposits Attached Encrustation |
| 23.6  |       |    | MSA  |     |     |    |     |    |    |       | Abandoned Survey               |

23.6 Ft      Total Length Surveyed

#### CustomFields

#### Notes

Lateral is a wye to top / 40.3' from MH 08-16305

Televising 12' beyond top of riser

Water flowing from upstream



Great Lakes TV Seal, Inc.  
Phone:920-863-3663  
Fax:920-863-3662



**2024 Village of Fox Point  
Beach Drive Work Plan  
7515 North Beach  
Letter to Property Owners**



## VILLAGE OF FOX POINT

MILWAUKEE COUNTY

WISCONSIN

VB Agenda Pckt 04/09/2024  
Page 150 of 446

VILLAGE HALL

7200 N. SANTA MONICA BLVD.

FOX POINT WI 53217-3505

414-351-8900

FAX 414-351-8909

October 27, 2023

Eric Beringause and Sarocha Channa  
7515 North Beach Drive  
Fox Point, WI 53217

Re: Sanitary Sewer Riser/Lateral

Dear Sarocha and Eric:

As you have likely observed, the Village has undertaken the construction of the revetment along Beach Drive to protect the road, storm sewer and sanitary sewer from erosion and impacts during storm events. Part of the work scheduled to be performed by the contractor includes the lining of our sanitary sewer main along the revetment (between the road and the shoreline). The contractor hired to perform the work, Visu-Sewer, has made multiple attempts to do so but was unable to line the sanitary sewer main due to the amount of infiltration and inflow entering the sanitary sewer (clear water leaking from sanitary sewer laterals).

Visu-Sewer televised the Village's sanitary sewer main in this area and found that three riser pipes/laterals connected to our sanitary sewer main were the primary contributors to the amount of infiltration entering the system. Your riser pipe/lateral is one of the connections to our sanitary sewer main causing issues and, unfortunately, preventing the lining of our sanitary sewer main. On the last page, I have included a screen shot of the clear water entering our sanitary main from your riser pipe/lateral.

In order for the sanitary sewer main to be lined, Fox Point is requiring you to make repairs to your riser pipe and lateral. This likely comes as a surprise or shock to you and you probably have quite a few questions so this letter will provide you with some additional context and details regarding this matter.

Over the past few weeks, I have worked with our consultant (Kapur & Associates) and the Milwaukee Metropolitan Sewerage District (MMSD) to determine the options available to you and your neighbors (the two vacant lots to the north) for the repair and/or replacement of the riser pipe and lateral. This is explained in more detail below:

- In 2012, a section of your sanitary sewer lateral was lined by MBI as part of a Village program to eliminate clear water (infiltration) from entering the sanitary sewer system on Beach Drive. At that time, approximately 95 feet of your lateral was lined. This extends from your house to roughly the west side of Beach Drive.
- In 2020, the Village undertook the televising of areas of the Village where properties have riser pipes as part of their sewer. A riser pipe is used to extend vertically above our sanitary sewer main due to the depth of the main then branches off into the sanitary sewer lateral. Under Village policy, a property owner is responsible for maintenance of their riser pipe and lateral from the house to the point of connection with our sanitary sewer main.
- As noted, earlier this year, Visu-Sewer made multiple attempts to line our sanitary sewer main but could not do so. They also televised the riser pipe and found significant amounts of infiltration entering your pipe and, ultimately, our main.

Private Property Lateral Rehabilitation  
October 27, 2023  
Page 2

- Based on our initial evaluation, it appears that a portion of the riser pipe needs to be replaced and the remaining portion of the lateral (from the riser pipe west to the west side of the road) either needs to be replaced (by way of a process called pipe bursting) or lined.
- After determining that our main could not be lined unless the riser pipes and laterals were repaired to eliminate the infiltration, I reached out to MMSD to determine whether the repair and/or replacement of your riser pipe and lateral could be covered under their Pipe Check program (a program adopted to assist property owners with the financial implications of making necessary repairs to their sanitary infrastructure). MMSD indicated that none of the offending property owners would be eligible for pipe check funding; however, they did indicate that they would be willing to reimburse Fox Point for work performed under our funding program.
- Under Fox Point's funding program, you must first sign an agreement with the Village to do the work (I have included the application form and resolutions adopting the program are attached for your reference). After the agreement is signed, the Village will prepare a work plan for approval by MMSD. If they approve the work plan (which allows the Village to be reimbursed for our costs), you will then have to hire a contractor to perform the work. MMSD has two lists of pre-approved contractors who can be used to perform the work (see <https://www.mmsd.com/what-you-can-do/managing-water-on-your-property/pipe-check> and <https://mmsd.com/government-business/rules-regulations/private-property-i-i/approved-contractors>).
- After the work is complete and you have paid the contractor, you would submit a reimbursement request to the Village. The Village policy reimburses you 50% of the cost of the work up to a maximum of \$5,000.
- Due to the work being performed on Beach Drive, we are requiring that the repairs to the lateral and riser pipes be completed by May 1, 2024 so that our contractor can perform final landscape restoration activities along the shoreline next spring. To achieve this schedule, you will have to return the signed application to my attention prior to November 30, 2023. This will allow us to work with you to schedule the work to be performed.
- Please understand that the Village will hire a consultant (Yuriy Amelyan from Kapur & Associates) to inspect the work performed. This is a cost that will not be passed on to you or any of the other homeowners performing the repairs; rather, MMSD has agreed that they will reimburse the Village for these costs.

I know this letter is unexpected and you likely have quite a few questions. I am happy to stop out and meet you in person to discuss this matter at your convenience.

Please contact me should you have any questions regarding the project. Otherwise, if I don't hear from you by November 10, I will plan to follow up with you to discuss this in more detail.

Sincerely,

Scott Brandmeier, P.E.  
Director of Public Works

cc: Mike Krueger, DPW Foreman  
Yuriy Amelyan, Kapur & Associates

Private Property Lateral Rehabilitation  
October 27, 2023  
Page 3



**2024 Village of Fox Point  
Beach Drive Work Plan  
7521 North Beach  
Lateral Inspection Reports 1 and 2**

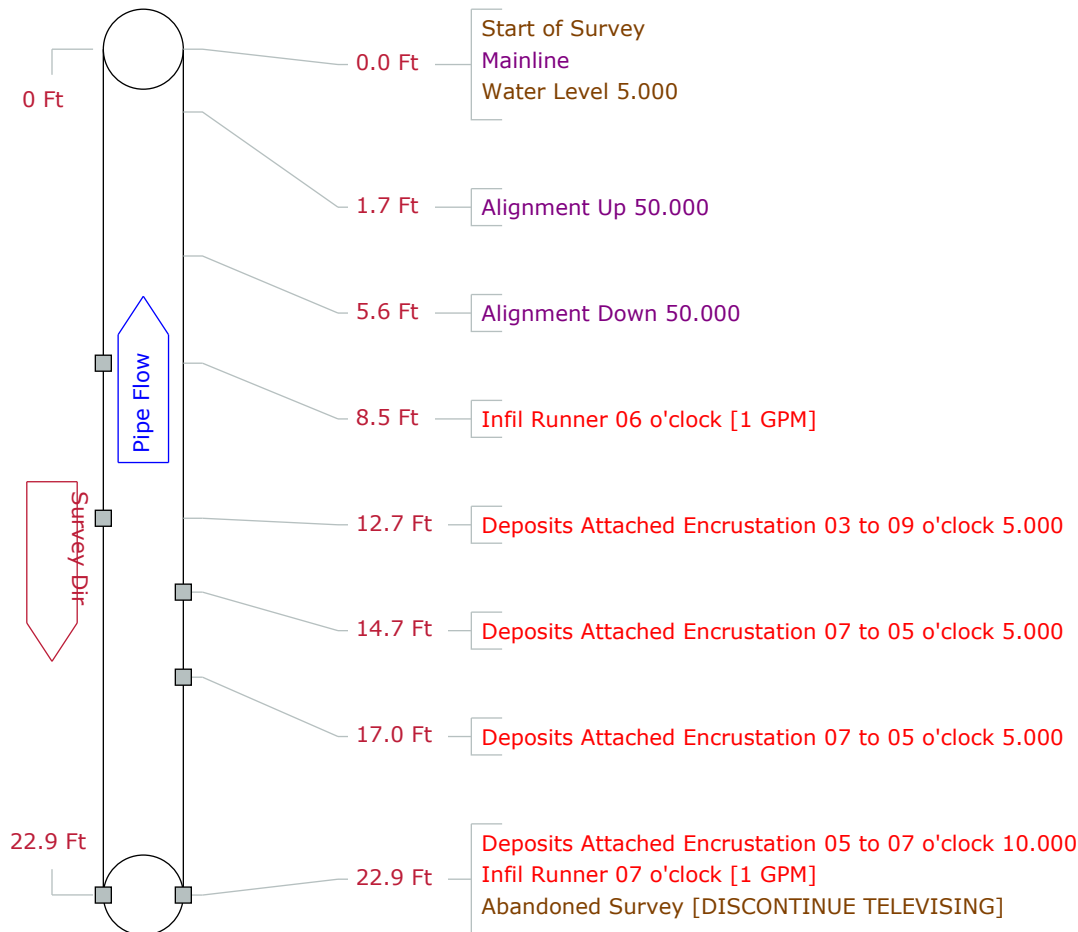


Lateral Pipe Graphic  
PSR Mainline  
Project

7521 N. Beach Dr  
MH 08-16305 to 08-067  
20341

For Village of Fox Point

|                   |               |                  |                     |                 |                       |
|-------------------|---------------|------------------|---------------------|-----------------|-----------------------|
| PO Number         | Work Order    | Media #          | 20341               | Sheet           | 75                    |
| Surveyor          | Bill Krohn    | Cert.            | U609-1885           | Surveyed On     | 07/08/2020 12/30/1899 |
| Street            | N. Beach Dr.  | City             | Fox Point           |                 |                       |
| Upstream MH       | MH 08-067     | Downstream MH    | MH 08-16305         |                 |                       |
| Drainage Area     | Clean Out     | Building Address |                     |                 |                       |
| System Owner      | Size          | 6 ins            | Total Length        | Ft              | Property Line 0 Ft    |
| Direction         | Upstream      | Material         | Vitrified Clay Pipe | Lining          |                       |
| Use               | Sanitary      | Preclean         | No Pre-Cleaning     | Weather         | Dry                   |
| Location          | Light Highway | Date Cleaned     |                     |                 | 0 Ft                  |
| Year Laid         |               | TapLoc           | 0 Ft                | Purpose         | Routine Assessment    |
| Additional Info   | 8" main line  |                  |                     |                 | Downstream            |
| Location Remarks  |               |                  |                     | Length Surveyed | 22.90 Ft              |
| Northing          | Easting       |                  |                     | Elevation       |                       |
| Coordinate System |               |                  |                     | GPS Accuracy    |                       |



Great Lakes TV Seal, Inc.  
Phone:920-863-3663  
Fax:920-863-3662

Tabular Report of Lateral      7521 N. Beach Dr      for      Village of Fox Point  
Main Line      MH 08-16305 to 08-067  
Project      20341

|                   |                      |               |                     |                      |                    |                  |            |
|-------------------|----------------------|---------------|---------------------|----------------------|--------------------|------------------|------------|
| Job Number        | Work Order           |               |                     | Media #              | 20341              | Setup            | 75         |
| Surveyor          | Bill Krohn           | Certificate # | U609-1885           | Cert#                | 07/08/2020         |                  | 4:13:00 PM |
| Street            | N. Beach Dr.         |               |                     | City                 | Fox Point          |                  |            |
| UpManhole         | MH 08-067            |               |                     | Downstream MH        | MH 08-16305        |                  |            |
| Drainage          |                      | Clean Out     |                     |                      |                    | Building Address |            |
| System Owner      | Village of Fox Point | Size          | 6 ins               | Total Length         | Ft                 | Property Line    | 0 Ft       |
| Direction         | U                    | Material      | Vitrified Clay Pipe | Lining               |                    |                  |            |
| Use               | Sanitary             | PreCleaned    | No Pre-Cleaning     | Weather              | Dry                |                  |            |
| Location          | Light Highway        | Date Cleaned  |                     | Cleanout RimToInvert |                    |                  | 0 Ft       |
| Year Laid         | TapLoc               | 0 Ft          |                     | Survey Purpose       | Routine Assessment |                  |            |
| Comments          | 8" main line         |               |                     |                      |                    | Start MH         | Downstream |
| Location Comments |                      |               |                     |                      |                    | Length Surveyed  | 22.9 Ft    |
| Northing          |                      | Easting       |                     | Elevation            |                    |                  |            |
| Coordinate System |                      |               |                     | GPS Accuracy         |                    |                  |            |

| Count | Video | CD | Code | In1 | In2 | %  | Jnt | Fr | To | ImRef | Remarks                        |
|-------|-------|----|------|-----|-----|----|-----|----|----|-------|--------------------------------|
| 0.0   |       |    | ST   |     |     |    |     |    |    |       | Start of Survey                |
| 0.0   |       |    | AML  |     |     |    |     |    |    |       | Mainline                       |
| 0.0   |       |    | MWL  |     |     | 5  |     |    |    |       | Water Level                    |
| 1.7   |       |    | LU   |     |     | 50 |     |    |    |       | Alignment Up                   |
| 5.6   |       |    | LD   |     |     | 50 |     |    |    |       | Alignment Down                 |
| 8.5   |       |    | IR   |     |     |    | J   | 06 |    |       | 1 GPM                          |
| 12.7  |       |    | DAE  |     |     | 5  | J   | 03 | 09 |       | Deposits Attached Encrustation |
| 14.7  |       |    | DAE  |     |     | 5  | J   | 07 | 05 |       | Deposits Attached Encrustation |
| 17.0  |       |    | DAE  |     |     | 5  | J   | 07 | 05 |       | Deposits Attached Encrustation |
| 22.9  |       |    | DAE  |     |     | 10 | J   | 05 | 07 |       | Deposits Attached Encrustation |
| 22.9  |       |    | IR   |     |     |    | J   | 07 |    |       | 1 GPM                          |
| 22.9  |       |    | MSA  |     |     |    |     |    |    |       | Abandoned Survey               |

22.9 Ft      Total Length Surveyed

#### CustomFields

#### Notes

Lateral is a wye to top / 133.6' from MH 08-16305

Televising 12' beyond top of riser

Water is flowing from upstream



Great Lakes TV Seal, Inc.  
Phone:920-863-3663  
Fax:920-863-3662

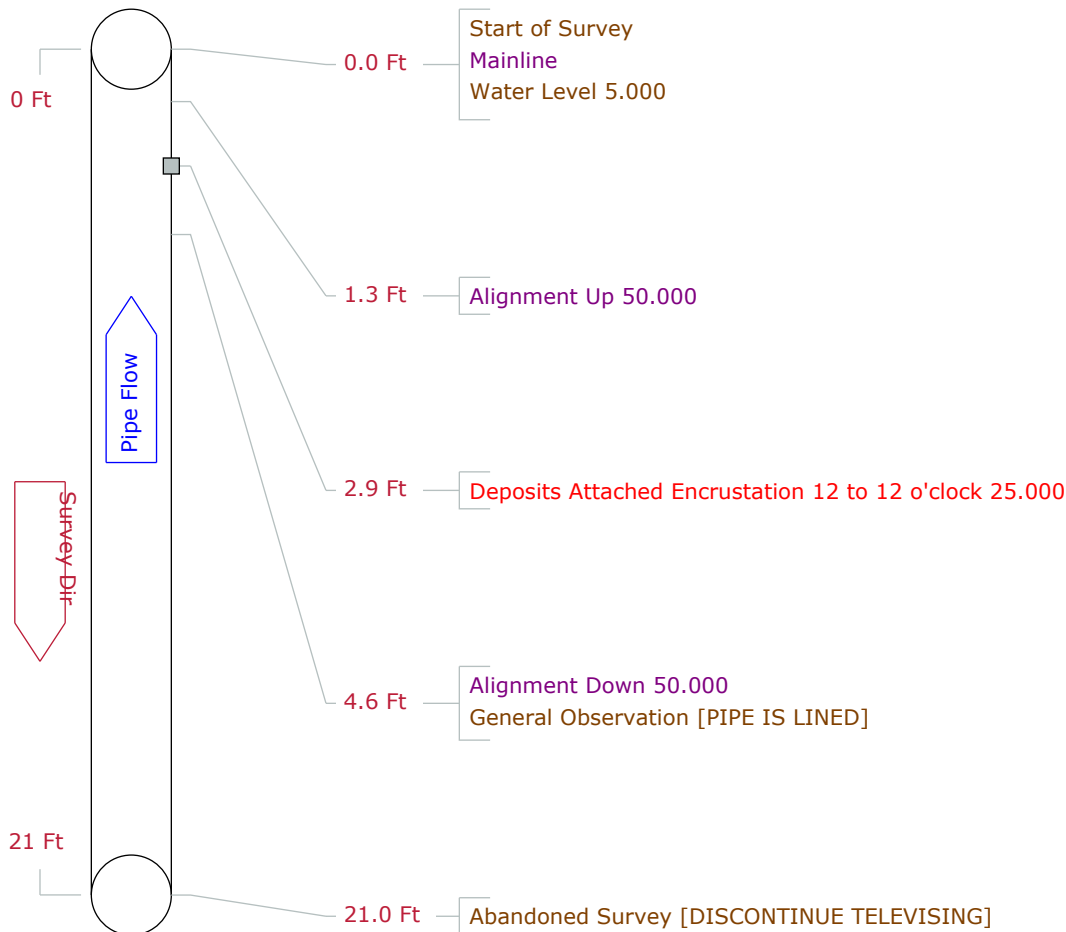
**2024 Village of Fox Point**  
**Beach Drive Work Plan**  
**7535 North Beach**  
**Lateral Inspection Reports 1 through 4**

Lateral Pipe Graphic  
PSR Mainline  
Project

7535 N. Beach Dr. 2  
MH 08-112 to 08-067  
20341

For Village of Fox Point

|                   |                    |                  |                     |                 |                       |
|-------------------|--------------------|------------------|---------------------|-----------------|-----------------------|
| PO Number         | Work Order         | Media #          | 20341               | Sheet           | 73                    |
| Surveyor          | Bill Krohn         | Cert.            | U609-1885           | Surveyed On     | 07/08/2020 12/30/1899 |
| Street            | N. Beach Dr.       | City             | Fox Point           |                 |                       |
| Upstream MH       | MH 08-112          | Downstream MH    | MH 08-067           |                 |                       |
| Drainage Area     | Clean Out          | Building Address |                     |                 |                       |
| System Owner      | Size               | 6 ins            | Total Length        | Ft              | Property Line 0 Ft    |
| Direction         | Upstream           | Material         | Vitrified Clay Pipe | Lining          |                       |
| Use               | Sanitary           | Preclean         | No Pre-Cleaning     | Weather         | Dry                   |
| Location          | Light Highway      | Date Cleaned     |                     |                 | 0 Ft                  |
| Year Laid         |                    | TapLoc           | 0 Ft                | Purpose         | Routine Assessment    |
| Additional Info   | 8" lined main line |                  |                     |                 | Upstream              |
| Location Remarks  |                    |                  |                     | Length Surveyed | 21.00 Ft              |
| Northing          | Easting            |                  | Elevation           |                 |                       |
| Coordinate System |                    |                  | GPS Accuracy        |                 |                       |



Great Lakes TV Seal, Inc.  
Phone:920-863-3663  
Fax:920-863-3662

Tabular Report of Lateral      7535 N. Beach Dr. 2      for      Village of Fox Point  
Main Line      MH 08-112 to 08-067  
Project      20341

|                   |                      |               |                      |                    |                  |               |      |
|-------------------|----------------------|---------------|----------------------|--------------------|------------------|---------------|------|
| Job Number        |                      | Work Order    |                      | Media # 20341      |                  | Setup 73      |      |
| Surveyor          | Bill Krohn           | Certificate # | U609-1885            | Cert# 07/08/2020   |                  | 2:15:00 PM    |      |
| Street            | N. Beach Dr.         |               |                      | City               | Fox Point        |               |      |
| UpManhole         | MH 08-112            |               |                      | Downstream MH      | MH 08-067        |               |      |
| Drainage          | Clean Out            |               |                      |                    | Building Address |               |      |
| System Owner      | Village of Fox Point | Size          | 6 ins                | Total Length       | Ft               | Property Line | 0 Ft |
| Direction         | U                    | Material      | Vitrified Clay Pipe  | Lining             |                  |               |      |
| Use               | Sanitary             | PreCleaned    | No Pre-Cleaning      | Weather            | Dry              |               |      |
| Location          | Light Highway        | Date Cleaned  | Cleanout RimToInvert |                    | 0 Ft             |               |      |
| Year Laid         | TapLoc               | 0 Ft          | Survey Purpose       | Routine Assessment |                  |               |      |
| Comments          | 8" lined main line   |               |                      |                    | Start MH         | Upstream      |      |
| Location Comments |                      |               |                      | Length Surveyed    |                  | 21 Ft         |      |
| Northing          |                      | Easting       |                      | Elevation          |                  |               |      |
| Coordinate System |                      |               |                      | GPS Accuracy       |                  |               |      |

| Count | Video | CD | Code | In1                            | In2 | % | Jnt | Fr | To | ImRef | Remarks |
|-------|-------|----|------|--------------------------------|-----|---|-----|----|----|-------|---------|
| 0.0   |       |    | ST   | Start of Survey                |     |   |     |    |    |       |         |
| 0.0   |       |    | AML  | Mainline                       |     |   |     |    |    |       |         |
| 0.0   |       |    | MWL  | Water Level                    |     |   |     |    |    |       |         |
| 1.3   |       |    | LU   | Alignment Up                   |     |   |     |    |    |       |         |
| 2.9   |       |    | DAE  | Deposits Attached Encrustation |     |   |     |    |    |       |         |
| 4.6   |       |    | LD   | Alignment Down                 |     |   |     |    |    |       |         |
| 4.6   |       |    | MGO  | General Observation            |     |   |     |    |    |       |         |
| 21.0  |       |    | MSA  | Abandoned Survey               |     |   |     |    |    |       |         |

21.0 Ft      Total Length Surveyed

#### CustomFields

#### Notes

Lateral is a wye to top / 89.5' from MH 08-112

Televising 12' beyond top of riser

2nd lateral toward this address



Great Lakes TV Seal, Inc.  
Phone:920-863-3663  
Fax:920-863-3662

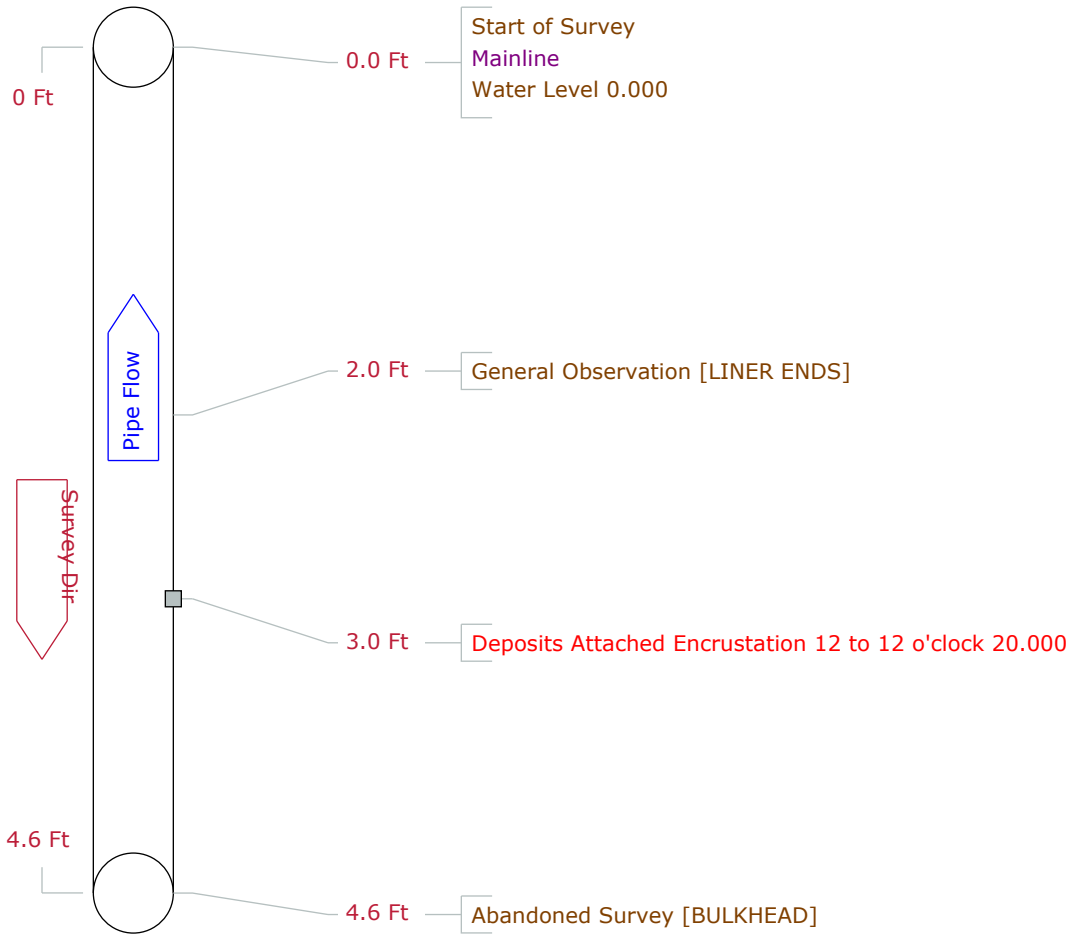


Lateral Pipe Graphic  
PSR Mainline  
Project

7535 N. Beach Dr.  
MH 08-112 to 08-067  
20341

For Village of Fox Point

|                   |                    |                  |                     |                 |                       |
|-------------------|--------------------|------------------|---------------------|-----------------|-----------------------|
| PO Number         | Work Order         | Media #          | 20341               | Sheet           | 72                    |
| Surveyor          | Bill Krohn         | Cert.            | U609-1885           | Surveyed On     | 07/08/2020 12/30/1899 |
| Street            | N. Beach Dr.       | City             | Fox Point           |                 |                       |
| Upstream MH       | MH 08-112          | Downstream MH    | MH 08-067           |                 |                       |
| Drainage Area     | Clean Out          | Building Address |                     |                 |                       |
| System Owner      | Size               | 6 ins            | Total Length        | Ft              | Property Line 0 Ft    |
| Direction         | Upstream           | Material         | Vitrified Clay Pipe | Lining          |                       |
| Use               | Sanitary           | Preclean         | No Pre-Cleaning     | Weather         | Dry                   |
| Location          | Light Highway      | Date Cleaned     |                     |                 | 0 Ft                  |
| Year Laid         |                    | TapLoc           | 0 Ft                | Purpose         | Routine Assessment    |
| Additional Info   | 8" lined main line |                  |                     |                 | Upstream              |
| Location Remarks  |                    |                  |                     | Length Surveyed | 04.60 Ft              |
| Northing          | Easting            |                  | Elevation           |                 |                       |
| Coordinate System |                    |                  | GPS Accuracy        |                 |                       |



Great Lakes TV Seal, Inc.  
Phone:920-863-3663  
Fax:920-863-3662

Tabular Report of Lateral      7535 N. Beach Dr.      for      Village of Fox Point  
Main Line      MH 08-112 to 08-067  
Project      20341

|                   |                      |                  |                     |                      |            |               |
|-------------------|----------------------|------------------|---------------------|----------------------|------------|---------------|
| Job Number        | Work Order           |                  | Media #             | 20341                | Setup      | 72            |
| Surveyor          | Bill Krohn           | Certificate #    | U609-1885           | Cert#                | 07/08/2020 | 1:52:00 PM    |
| Street            | N. Beach Dr.         | City             | Fox Point           |                      |            |               |
| UpManhole         | MH 08-112            | Downstream MH    | MH 08-067           |                      |            |               |
| Drainage          | Clean Out            | Building Address |                     |                      |            |               |
| System Owner      | Village of Fox Point | Size             | 6 ins               | Total Length         | Ft         | Property Line |
|                   |                      |                  |                     |                      |            | 0 Ft          |
| Direction         | U                    | Material         | Vitrified Clay Pipe | Lining               |            |               |
| Use               | Sanitary             | PreCleaned       | No Pre-Cleaning     | Weather              | Dry        |               |
| Location          | Light Highway        | Date Cleaned     |                     | Cleanout RimToInvert |            | 0 Ft          |
| Year Laid         | TapLoc               | 0 Ft             | Survey Purpose      | Routine Assessment   |            |               |
| Comments          | 8" lined main line   |                  |                     | Start MH             | Upstream   |               |
| Location Comments |                      |                  |                     | Length Surveyed      |            | 4.6 Ft        |
| Northing          | Easting              |                  | Elevation           |                      |            |               |
| Coordinate System |                      |                  | GPS Accuracy        |                      |            |               |

| Count | Video | CD | Code                               | In1 | In2 | %  | Jnt | Fr | To | ImRef | Remarks    |
|-------|-------|----|------------------------------------|-----|-----|----|-----|----|----|-------|------------|
| 0.0   |       |    | ST Start of Survey                 |     |     |    |     |    |    |       |            |
| 0.0   |       |    | AML Mainline                       |     |     |    |     |    |    |       |            |
| 0.0   |       |    | MWL Water Level                    |     |     | 0  |     |    |    |       |            |
| 2.0   |       |    | MGO General Observation            |     |     |    |     |    |    |       | LINER ENDS |
| 3.0   |       |    | DAE Deposits Attached Encrustation |     |     | 20 | J   | 12 | 12 | 0001  |            |
| 4.6   |       |    | MSA Abandoned Survey               |     |     |    |     |    |    |       | BULKHEAD   |

4.6 Ft Total Length Surveyed

#### CustomFields

#### Notes

Lateral is a wye to top / 28.6' from MH 08-112

Televising 12' beyond top of riser



Great Lakes TV Seal, Inc.  
Phone:920-863-3663  
Fax:920-863-3662

**2024 Village of Fox Point  
Beach Drive Work Plan  
Proposed Schedule**

## **Proposed Schedule**

### **District and Municipal Administrative Approvals**

- April 1, 2024 – Approval from MMSD
- April 9, 2024 – Village Board approval

### **Work Task start and finish**

- Work is expected to last approximately three days at each location and commence after approval by MMSD and the Village Board and be completed mid-May 2024.

### **Public Outreach**

- Each owner has been contacted regarding the matter and have executed applications to participate in the program. These are appended to the proposed schedule.

### **Key Deliverables and Reimbursement Requests**

- Agreement with MMSD – April 1, 2024
- Agreement by Village Board – April 9, 2024
- Notice to Proceed to Globe Contractors (quote appended to this schedule) – no later than April 22, 2024
- Work Completed – no later than May 31, 2024
- Reimbursement request from Property Owners – by end of June 2024
- Reimbursement request submitted to MMSD – by end of July 2024. Please note only one reimbursement request is anticipated based on the scope of work for the project.

## **7515 North Beach Application**



MMSD PRIVATE PROPERTY INFILTRATION AND INFLOW REDUCTION PROGRAM  
Private Property Owner Application

This Application is being submitted to the Village of Fox Point, to seek participation in the Milwaukee Metropolitan Sewerage District ("MMSD") reimbursement program for certain work to be conducted on my property. I understand this program is administered by the Village of Fox Point, and the Village is willing to undertake this project on my behalf, pursuant to the policy described in Village Resolutions Numbers 2011-13, 2012-18, and 2013-18, and I have received a copy of the Village policy in this regard.

Name:

ERIC BERINGAUSE

Address:

7515 N. Beach Dr, Fox Point, WI 53217

Phone No.:

1-917-287-5775

Email Address:

eric.beringause@gmail.com

Eligible Work: (check the appropriate box on page 2)

By submitting this Application I agree to the following:

1. I agree to all terms and conditions of the Temporary Construction Easement and Deed Restrictions, and I have signed the same in the presence of a Notary Public, and it is enclosed.
2. I agree to all terms and conditions of the Waiver of Potential Condemnation Rights, and I have signed the same in the presence of a Notary Public and it is enclosed.
3. I understand that the portion of the cost of this work that is not reimbursed through the MMSD reimbursement program will be assessed by the Village against my property.
4. I agree to all terms and conditions of the Waiver of Special Assessment Notices and Hearings, and I have signed the same in the presence of a Notary Public and it is enclosed.
5. In addition to, and not to the exclusion or prejudice of, any provisions of this Application or documents incorporated herein by reference, I agree that I shall indemnify and save harmless and agree to accept tender of defense and to defend and pay any and all legal, accounting, consulting, engineering and other expenses relating to the defense of any claim asserted or imposed upon the Village, its officers, agents, employees and independent contractors growing out of this Application or work conducted pursuant to this Application by any party or parties.

Dated this

11 day of December, 2023

  
Property Owner

I have reviewed this Application, and approve this work, subject to all terms and conditions of the Village policy described on Village Resolution Numbers 2011-13, 2012-18 and 2013-18.

Director of Public Works \_\_\_\_\_ Date \_\_\_\_\_

## **7521 North Beach Application**

This Application is being submitted to the Village of Fox Point, to Page 166 of 446 in the Milwaukee Metropolitan Sewerage District ("MMSD") reimbursement program for certain work to be conducted on my property. I understand this program is administered by the Village of Fox Point, and the Village is willing to undertake this project on my behalf, pursuant to the policy described in Village Resolutions Numbers 2011-13, 2012-18, and 2013-18, and I have received a copy of the Village policy in this regard.

Name: Joanne BuschmanAddress: 7521 N Birch DrFox Point, WI 53217Phone No.: 414 682 6557Email Address: joanne.buschman@gmail.com

Eligible Work: (check the appropriate box on page 2)

Mailing Address

4523 N OaklandUnit 406Shorewood WI 53211

By submitting this Application I agree to the following:

1. I agree to all terms and conditions of the Temporary Construction Easement and Deed Restrictions, and I have signed the same in the presence of a Notary Public, and it is enclosed.
2. I agree to all terms and conditions of the Waiver of Potential Condemnation Rights, and I have signed the same in the presence of a Notary Public and it is enclosed.
3. I understand that the portion of the cost of this work that is not reimbursed through the MMSD reimbursement program will be assessed by the Village against my property.
4. I agree to all terms and conditions of the Waiver of Special Assessment Notices and Hearings, and I have signed the same in the presence of a Notary Public and it is enclosed.
5. In addition to, and not to the exclusion or prejudice of, any provisions of this Application or documents incorporated herein by reference, I agree that I shall indemnify and save harmless and agree to accept tender of defense and to defend and pay any and all legal, accounting, consulting, engineering and other expenses relating to the defense of any claim asserted or imposed upon the Village, its officers, agents, employees and independent contractors growing out of this Application or work conducted pursuant to this Application by any party or parties.

Dated this 12 day of December, 2023Joanne Buschman  
Property Owner

I have reviewed this Application, and approve this work, subject to all terms and conditions of the Village policy described on Village Resolution Numbers 2011-13, 2012-18 and 2013-18.

Director of Public Works

Date

## **7535 North Beach Application**

MMSD PRIVATE PROPERTY INFILTRATION AND INFLOW REDUCTION PROGRAM  
Private Property Owner Application

This Application is being submitted to the Village of Fox Point, to seek participation in the Milwaukee Metropolitan Sewerage District ("MMSD") reimbursement program for certain work to be conducted on my property. I understand this program is administered by the Village of Fox Point, and the Village is willing to undertake this project on my behalf, pursuant to the policy described in Village Resolutions Numbers 2011-13, 2012-18, and 2013-18, and I have received a copy of the Village policy in this regard.

Name: Richard Bonningger

Address: 7000 N. Beach Dr.  
Fox Point, WI 53217

Phone No.: 414-745-7778

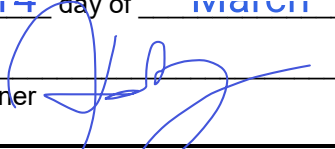
Email Address: \_\_\_\_\_

Eligible Work: (check the appropriate box on page 2)

By submitting this Application I agree to the following:

1. I agree to all terms and conditions of the Temporary Construction Easement and Deed Restrictions, and I have signed the same in the presence of a Notary Public, and it is enclosed.
2. I agree to all terms and conditions of the Waiver of Potential Condemnation Rights, and I have signed the same in the presence of a Notary Public and it is enclosed.
3. I understand that the portion of the cost of this work that is not reimbursed through the MMSD reimbursement program will be assessed by the Village against my property.
4. I agree to all terms and conditions of the Waiver of Special Assessment Notices and Hearings, and I have signed the same in the presence of a Notary Public and it is enclosed.
5. In addition to, and not to the exclusion or prejudice of, any provisions of this Application or documents incorporated herein by reference, I agree that I shall indemnify and save harmless and agree to accept tender of defense and to defend and pay any and all legal, accounting, consulting, engineering and other expenses relating to the defense of any claim asserted or imposed upon the Village, its officers, agents, employees and independent contractors growing out of this Application or work conducted pursuant to this Application by any party or parties.

Dated this 14 day of MARCH, 2024.

Property Owner 

I have reviewed this Application, and approve this work, subject to all terms and conditions of the Village policy described on Village Resolution Numbers 2011-13, 2012-18 and 2013-18.

Director of Public Works \_\_\_\_\_ Date \_\_\_\_\_



## Eligible Work

- ✎ Private lateral replacement, repair, or rehabilitation, where replacement or rehabilitation is being performed to reduce private property I/I
- ☐ Private property foundation drain disconnections from sanitary that are not currently illegal
- ☐ Sump pump installation in conjunction with a foundation drain disconnect (that are not currently illegal) to direct inflow away from the sanitary including minor electrical directly related to the installation
- ☐ Separation of combination sumps that have gray water (e.g. laundry wash water and floor drain wastes) and clear weather sources directed to them that are not currently illegal
- ☐ Cleanout repair/rehabilitation, where work is performed to reduce private property I/I
- ☐ Investigation and Inspection specifically intended to identify and or quantify PPI/I sources
  - ☐ Dye testing
  - ☐ Smoke testing
  - ☐ Flow monitoring
  - ☐ House inspections
  - ☐ Televising focused on PPI/I
- ☐ PPI/I Information and Education (such as website or publication as it directly relates to a project, etc.) efforts
- ☐ Direct in-kind staff time directed toward managing and reporting on PPI/I work (no indirect: i.e. accounting, administrative overhead, etc)
- ☐ I/I reduction work on the public portion of a lateral sewer if work is in conjunction w/ PP I/I efforts
- ☐ Consultant time directly involved in PPI/I efforts
- ☐ Disconnection and removal, sealing, or isolation of a sanitary connection from an abandoned lateral, a lateral intended to be abandoned. or a lateral that has been identified as a PPI/I contributor
- ☐ Construction inspection costs for verification of quality and completeness of work

## Maybe Eligible Work

- ☐ Public building lateral replacement, repair or rehabilitation as part of a larger private property based project
- ☐ Private property sewer main replacement, repair, rehabilitation and related design, planning, investigation
- ☐ Stormwater work that has a well defined and verifiable impact on the reduction or elimination of private property I/I
- ☐ Previously completed work
- ☐ Purchase of equipment and supplies consumable and/or exclusively used for the PPI/I project
- ☐ Municipal staff time for operating O&M equipment, investigative equipment, repair/rehab equipment, monitoring equipment specifically for the identification of PPI/I for the program as part of an approved work plan

[Note: These categories of “eligible work” and “maybe eligible work” come directly from the MMSD draft Private Property Infiltration and Inflow Reduction Program Classification of Work document dated December 17, 2009, which is the most current draft existing on the date this form was created. Any future amendments or other modifications to the MMSD work type classifications are incorporated herein, and will be enforced.]

## **Globe Contractors Quote**



## Proposal

Date: February 26th, 2024

BD6-24

Project: Beach Drive Sanitary Lateral Rehab

To: Kapur & Associates

Att: Yuriy Amelyan

|                                     | <u>Description</u>                       | <u>UM</u> | <u>Quantity</u> | <u>Cost/Unit</u> | <u>Total</u>        |
|-------------------------------------|------------------------------------------|-----------|-----------------|------------------|---------------------|
| 1                                   | 7535 N. Beach Dr - Riser Rehab           | LS        | 1               | 18,750.00        | 18,750.00           |
| 2                                   | 7521 N. Beach Dr - Lateral / Riser Rehab | LS        | 1               | 29,500.00        | 29,500.00           |
| 3                                   | 7515 N. Beach Dr - Lateral / Riser Rehab | LS        | 1               | 29,500.00        | 29,500.00           |
| <u>Beach Drive San. Rehab Total</u> |                                          |           |                 |                  | <u>\$ 77,750.00</u> |

\*Staking, permits, inspection and engineering by others

\*Restoration east of Lake Drive by others.

\*Tree clearing by others

\*Quoted price includes replacing the existing lateral from the property line to the top of riser for 7521 & 7515 N Beach Dr.

\*Spoil backfill figured throughout

\*We anticipate having to install sheet piling along revetment wall to minimize disruption.

\*Does not include Post CCTV for 7535 N Beach Dr.

\*Quote is valid for 30 days.

If you have any questions regarding this quote, please contact Jakin Grabau at (414) 828-8980.

## **Kapur & Associates Inspection Estimates**

## ESTIMATED CONSTRUCTION MANAGEMENT COST

### SANITARY LATERAL/RISER REHABILITATION AT 7515 N. BEACH DRIVE

### VILLAGE OF FOX POINT, WISCONSIN

| TASK                                                                                                                   | Project Manager | Construction Engineer | Cad Technician | Total Task Hours | Total Task Cost    |
|------------------------------------------------------------------------------------------------------------------------|-----------------|-----------------------|----------------|------------------|--------------------|
|                                                                                                                        | \$185.00        | \$100.00              | \$100.00       |                  |                    |
| Review videos and drawings                                                                                             | 1               | 1                     |                | 2                | \$ 285.00          |
| Site visit/meetings with Contractor, residents and Fox Point                                                           | 1               | 1                     |                | 2                | \$ 285.00          |
| Pre-construction meeting, set timeline of construction and progress meetings                                           | 1               | 1                     |                | 2                | \$ 285.00          |
| Submittal review and approvals                                                                                         | 1               | 1                     |                | 2                | \$ 285.00          |
| Construction inspection for 7515 N. Beach Drive (Open Cut Partial Riser Repair and Pipe Bursting to the Property Line) | 2               | 24                    |                | 26               | \$ 2,770.00        |
| Finalized quantities and payment recommendation                                                                        | 2               | 2                     |                | 4                | \$ 570.00          |
| Assistance in preparation of MMSD required documentation for reimbursement                                             | 4               | 4                     | 2              | 10               | \$ 1,340.00        |
| Project closeout activities, punch list items, as-built, incorporation into Village's GIS                              | 4               | 4                     | 2              | 10               | \$ 1,340.00        |
| <b>TOTAL</b>                                                                                                           | <b>16</b>       | <b>38</b>             | <b>4</b>       | <b>58</b>        | <b>\$ 7,160.00</b> |



VILLAGE OF FOX POINT  
ESTIMATED CONSTRUCTION MANAGEMENT COST



## ESTIMATED CONSTRUCTION MANAGEMENT COST

### SANITARY LATERAL/RISER REHABILITATION AT 7521 N. BEACH DRIVE

### VILLAGE OF FOX POINT, WISCONSIN

| TASK                                                                                                                   | Project Manager | Construction Engineer | Cad Technician | Total Task Hours | Total Task Cost    |
|------------------------------------------------------------------------------------------------------------------------|-----------------|-----------------------|----------------|------------------|--------------------|
|                                                                                                                        | \$185.00        | \$100.00              | \$100.00       |                  |                    |
| Review videos and drawings                                                                                             | 1               | 1                     |                | 2                | \$ 285.00          |
| Site visit/meetings with Contractor, residents and Fox Point                                                           | 1               | 1                     |                | 2                | \$ 285.00          |
| Pre-construction meeting, set timeline of construction and progress meetings                                           | 1               | 1                     |                | 2                | \$ 285.00          |
| Submittal review and approvals                                                                                         | 1               | 1                     |                | 2                | \$ 285.00          |
| Construction inspection for 7521 N. Beach Drive (Open Cut Partial Riser Repair and Pipe Bursting to the Property Line) | 2               | 24                    |                | 26               | \$ 2,770.00        |
| Finalized quantities and payment recommendation                                                                        | 2               | 2                     |                | 4                | \$ 570.00          |
| Assistance in preparation of MMSD required documentation for reimbursement                                             | 4               | 4                     | 2              | 10               | \$ 1,340.00        |
| Project closeout activities, punch list items, as-built, incorporation into Village's GIS                              | 4               | 4                     | 2              | 10               | \$ 1,340.00        |
| <b>TOTAL</b>                                                                                                           | <b>16</b>       | <b>38</b>             | <b>4</b>       | <b>58</b>        | <b>\$ 7,160.00</b> |



VILLAGE OF FOX POINT  
ESTIMATED CONSTRUCTION MANAGEMENT COST

## ESTIMATED CONSTRUCTION MANAGEMENT COST

### SANITARY LATERAL/RISER REHABILITATION AT 7535 N. BEACH DRIVE

### VILLAGE OF FOX POINT, WISCONSIN

| TASK                                                                                      | Project Manager | Construction Engineer | Cad Technician | Total Task Hours | Total Task Cost    |
|-------------------------------------------------------------------------------------------|-----------------|-----------------------|----------------|------------------|--------------------|
|                                                                                           | \$185.00        | \$100.00              | \$100.00       |                  |                    |
| Review videos and drawings                                                                | 1               | 1                     |                | 2                | \$ 285.00          |
| Site visit/meetings with Contractor, residents and Fox Point                              | 1               | 1                     |                | 2                | \$ 285.00          |
| Pre-construction meeting, set timeline of construction and progress meetings              | 1               | 1                     |                | 2                | \$ 285.00          |
| Submittal review and approvals                                                            | 1               | 1                     |                | 2                | \$ 285.00          |
| Construction inspection for 7535 N. Beach Drive (Open Cut Partial Riser Spot Repair)      | 2               | 12                    |                | 14               | \$ 1,570.00        |
| Finalized quantities and payment recommendation                                           | 2               | 2                     |                | 4                | \$ 570.00          |
| Assistance in preparation of MMSD required documentation for reimbursement                | 4               | 4                     | 2              | 10               | \$ 1,340.00        |
| Project closeout activities, punch list items, as-built, incorporation into Village's GIS | 4               | 4                     | 2              | 10               | \$ 1,340.00        |
| <b>TOTAL</b>                                                                              | <b>16</b>       | <b>26</b>             | <b>4</b>       | <b>46</b>        | <b>\$ 5,960.00</b> |



VILLAGE OF FOX POINT  
ESTIMATED CONSTRUCTION MANAGEMENT COST



## VILLAGE OF FOX POINT

MILWAUKEE COUNTY

WISCONSIN

VILLAGE HALL

7200 N. SANTA MONICA  
BLVD.

FOX POINT WI 53217-3505

414-351-8900

FAX 414-351-8909

To: Village of Fox Point Village Board

From: Scott Brandmeier, Director of Public Works 

Through: Scott Botcher, Village Manager 

Date: March 26, 2024

Re: Land Combination – 7111 N Barnett Lane

---

An application was submitted by Craig Adelman, owner of the property at 7111 North Barnett Lane, to combine Parcels A and B on his property. The parcels are shown on the Plat of Survey (Attachment A) and the owner is requesting that they be combined into one parcel as shown on the Certified Survey Map (CSM) (Attachment B). The Applicant has submitted this application in accordance with Section 738 of the Village Code.

Based upon correspondence from the Village Attorney, it is my understanding that the application requires a filing fee (\$300) and the appropriate CSM but does not require an appraisal as it is a land combination nor notice to property owners within 500 feet of the proposed land combination. As the filing fee has been paid and the Plat of Survey and CSM have been submitted depicting the land combination, it appears that the requirements for the land combination have been met and, therefore, is referred to the Plan Commission for action on the matter.

Village of Fox Point  
Plan Commission  
7200 North Santa Monica Boulevard  
Fox Point, WI 53217

March 20, 2024

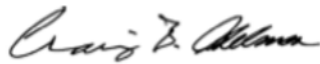
Subject: Homeowner Letter of Intent – Purpose of Merger

Dear Plan Commission Members:

I am submitting the following Certified Survey Map for the location at 7111 North Barnett Lane for your review and approval. The property consists of 2 parcels (per recorded deed as doc. no. 9803549) which I desire to combine into one parcel to facilitate my property improvement needs.

I have been informed that Wisconsin state law requires the combination of parcels for building improvements to occur and to be approved by the Village Building Inspection Department. As I have been assured that all other requirements have been met, I am now requesting your approval of the Certified Survey Map to allow these property improvements to be achieved.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig B. Adelman". The signature is written in a cursive, flowing style.

Craig Adelman

CERTIFIED SURVEY MAP NO. \_\_\_\_\_

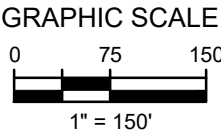
A division of a part of Government Lot 1 and lands being in the Northeast 1/4 of the Northwest 1/4 of Section 21, Township 8 North, Range 22 East, in the Village of Fox point, Milwaukee County, Wisconsin.

- INDICATES FOUND 1" IRON PIPE
- INDICATES SET 1.315" O.D. IRON PIPE AT LEAST 18" IN LENGTH, 1.68 LBS. PER LINEAL FOOT.
- △ INDICATES SET 3/4" IRON ROD

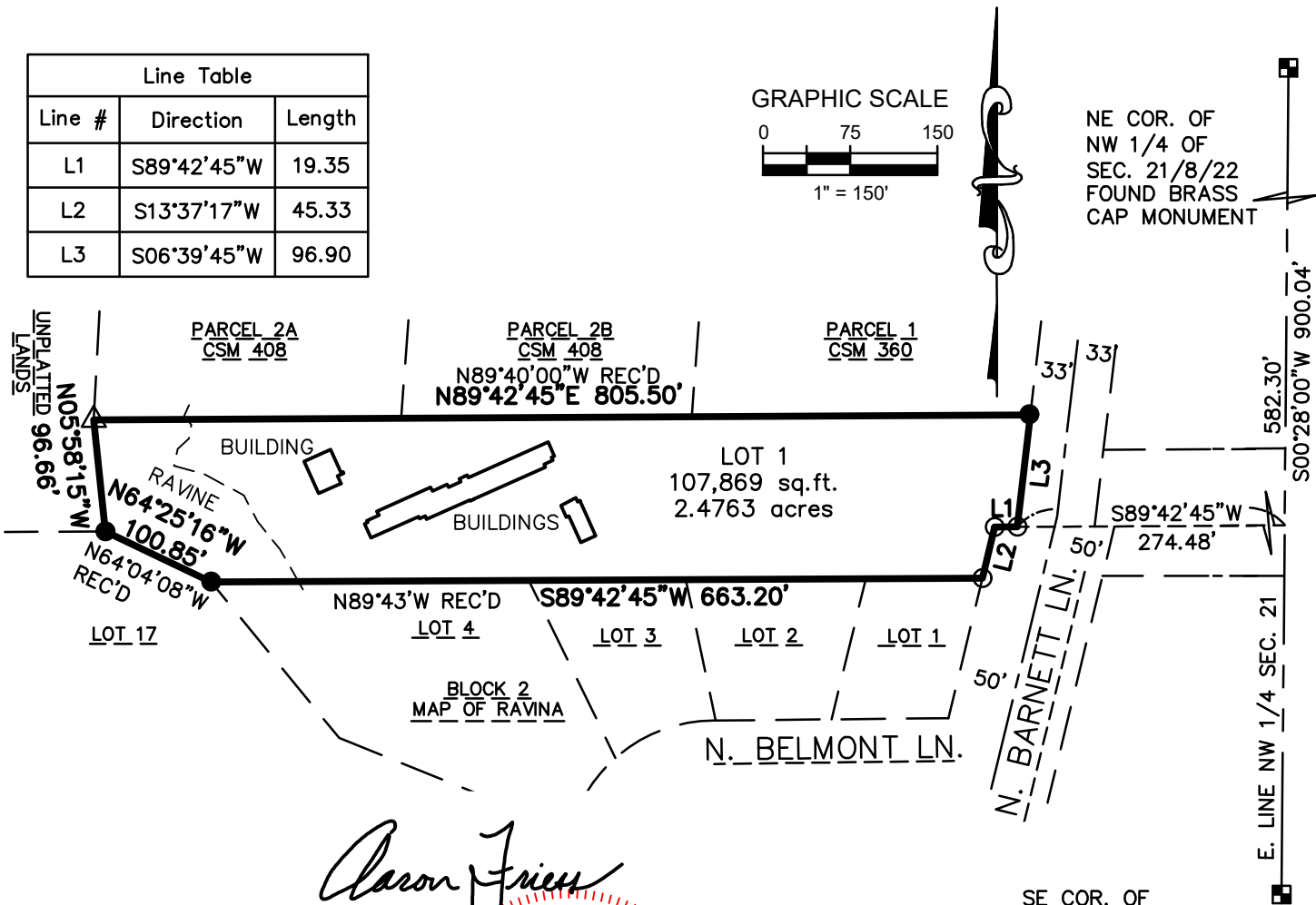
ALL DIMENSIONS SHOWN ARE MEASURED TO THE NEAREST HUNDREDTH OF A FOOT.  
ALL BEARINGS ARE REFERENCED TO THE EAST LINE OF THE NW 1/4 OF SECTION 21, T8N, R22E, WHICH BEARS S00°28'00"W. WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (NAD 83/2011).

OWNER:  
CRAIG B. ADELMAN LIVING TRUST  
7111 N. BARNETT LANE  
FOX POINT, WI.

| Line Table |             |        |
|------------|-------------|--------|
| Line #     | Direction   | Length |
| L1         | S89°42'45"W | 19.35  |
| L2         | S13°37'17"W | 45.33  |
| L3         | S06°39'45"W | 96.90  |



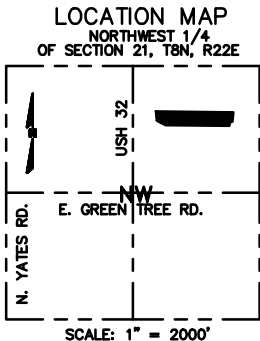
NE COR. OF  
NW 1/4 OF  
SEC. 21/8/22  
FOUND BRASS  
CAP MONUMENT



*Aaron Friess*



03/20/2024



**raSmith**  
CREATIVITY BEYOND ENGINEERING

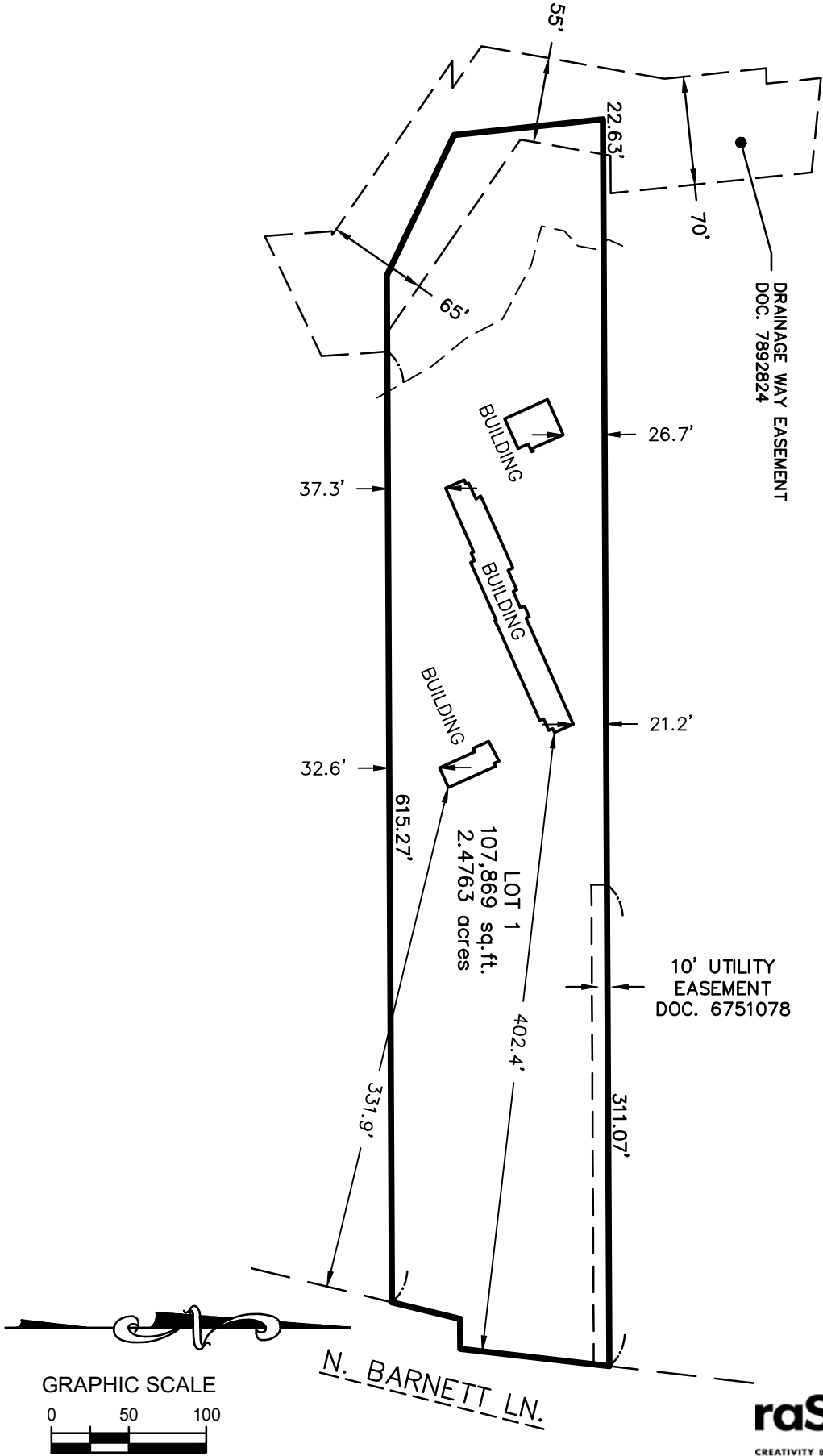
16745 W. Bluemound Road  
Brookfield, WI 53005-5938  
(262) 781-1000  
rasmith.com



CERTIFIED SURVEY MAP NO. \_\_\_\_\_

A division of a part of Government Lot 1 and lands being in the Northeast 1/4 of the Northwest 1/4 of Section 21, Township 8 North, Range 22 East, in the Village of Fox point, Milwaukee County, Wisconsin.

Dimensioning of existing Easements are required by Wisconsin State Statue 236.20(2)(c) per 236.34(c). Easements dimensions are approximate, and are not intended to supersede the intent, location or verbiage as stated in the original Easement creation documents.





CERTIFIED SURVEY MAP NO. \_\_\_\_\_

A division of a part of Government Lot 1 and lands being in the Northeast 1/4 of the Northwest 1/4 of Section 21, Township 8 North, Range 22 East, in the Village of Fox point, Milwaukee County, Wisconsin.

OWNER CERTIFICATE

CRAIG B. ADELMAN LIVING TRUST, a trust duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, certifies that said corporation has caused the land described on this map to be surveyed, divided, and mapped as represented on this map in accordance with the Ordinances of the Village of Fox Point.

CRAIG B. ADELMAN LIVING TRUST, does further certify that this map is required by S.236.10 or S.236.12 to be submitted to the following for approval or objection: Village of Fox Point.

IN Witness Whereof, CRAIG B. ADELMAN LIVING TRUST, has caused these presents to be signed by Craig B. Adelman, Trustee, on this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

CRAIG B. ADELMAN LIVING TRUST

\_\_\_\_\_  
Craig B. Adelman, Trustee

PERSONALLY came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2024,

Craig B. Adelman, the Trustee of the above named trust, to me known to be the person who executed the foregoing instrument, and acknowledged that he/she executed the foregoing instrument as such officer on behalf of the entity, by its authority.

(Notary Seal)

\_\_\_\_\_

\_\_\_\_\_  
(print name)  
Notary Public, State of Wisconsin  
My commission expires \_\_\_\_\_

CERTIFIED SURVEY MAP NO. \_\_\_\_\_

A division of a part of Government Lot 1 and lands being in the Northeast 1/4 of the Northwest 1/4 of Section 21, Township 8 North, Range 22 East, in the Village of Fox point, Milwaukee County, Wisconsin.

VILLAGE OF FOX POINT PLAN COMMISSION APPROVALS

This Certified Survey Map is hereby approved by the Plan Commision of the Village of Fox point

on this \_\_\_\_\_ day of \_\_\_\_\_,2024.

Preliminary Approval \_\_\_\_\_

\_\_\_\_\_  
Christine Symchych,Chair

VILLAGE OF FOX POINT VILLAGE BOARD APPROVAL

RESOLVED that the Certified Survey Map of CRAIG B. ADELMAN LIVING TRUST, owner of said lands, being a division of a part of Government Lot 1 and lands, being in the Northeast 1/4 of the Northwest 1/4 of Section 21, in Township 8 North, Range 22 East, in the Village of Fox point, Milwaukee County, Wisconsin, having been approved by the Plan Commission and the same is hereby accepted by the Village Board of the Village of Fox point on

this \_\_\_\_\_ day of \_\_\_\_\_,2024.

Date: \_\_\_\_\_

\_\_\_\_\_  
Christine Symchych, Village President

Date: \_\_\_\_\_

\_\_\_\_\_  
Sara Bruckman, Village Clerk



# PLAT OF SURVEY

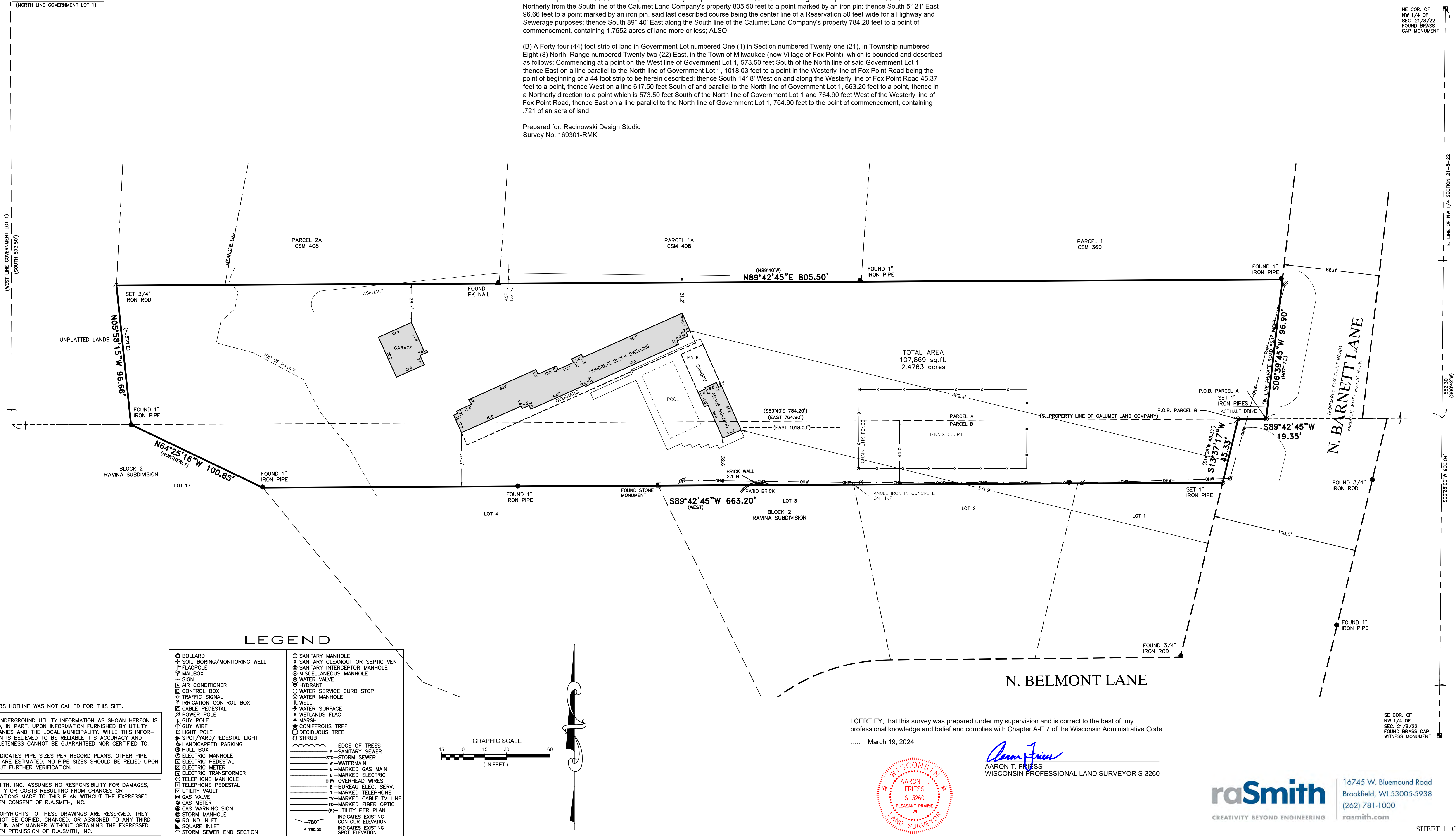
Known as 7111 North Barnett Lane, in the Village of Fox Point, Milwaukee County, Wisconsin.

Trustee's Deed Document No. 9803549

(A) All that part of the North West One-Quarter (NW1/4) of Section numbered Twenty-One (21), in Township numbered Eight (8) North, Range numbered Twenty-two (22) East, bounded and described as follows: Commencing at a point which is 582.30 feet South 0° 42' West of and 273.12 feet North 89° 40' West of the North East corner of said 1/4 Section said point being the point of the intersection of the West line of the Private road 66 feet wide, with the Southerly line of the property of the Calumet Land Company; thence North 7° 17' East along the Westerly line of said private road 96.90 feet to a point marked by Iron pin; thence North 89° 40' West along the line parallel with and 96.19 feet Northerly from the South line of the Calumet Land Company's property 805.50 feet to a point marked by an iron pin; thence South 5° 21' East 96.66 feet to a point marked by an iron pin, said last described course being the center line of a Reservation 50 feet wide for a Highway and Sewerage purposes; thence South 89° 40' East along the South line of the Calumet Land Company's property 784.20 feet to a point of commencement, containing 1.7552 acres of land more or less; ALSO

(B) A Forty-four (44) foot strip of land in Government Lot numbered One (1) in Section numbered Twenty-one (21), in Township numbered Eight (8) North, Range numbered Twenty-two (22) East, in the Town of Milwaukee (now Village of Fox Point), which is bounded and described as follows: Commencing at a point on the West line of Government Lot 1, 573.50 feet South of the North line of said Government Lot 1, thence East on a line parallel to the North line of Government Lot 1, 1018.03 feet to a point in the Westerly line of Fox Point Road being the point of beginning of a 44 foot strip to be herein described; thence South 14° 8' West on and along the Westerly line of Fox Point Road 45.37 feet to a point, thence West on a line 617.50 feet South of and parallel to the North line of Government Lot 1, 663.20 feet to a point, thence in a Northerly direction to a point which is 573.50 feet South of the North line of Government Lot 1 and 764.90 feet West of the Westerly line of Fox Point Road, thence East on a line parallel to the North line of Government Lot 1, 764.90 feet to the point of commencement, containing .721 of an acre of land.

Prepared for: Racinowski Design Studio  
Survey No. 169301-RMK



VILLAGE OF FOX POINT  
7200 N. SANTA MONICA BLVD  
FOX POINT WI 53217

414-361-8900

Receipt No: 1.060066

Mar 21, 2024

7111 N Barnett Lane

|                                   |                  |
|-----------------------------------|------------------|
| Previous Balance:                 | .00              |
| LICENSES & PERMITS - OTHER PERMIT | 300.00           |
| 10-44640 OTHER PERMIT             |                  |
| <hr/>                             |                  |
| Total:                            | 300.00           |
| <hr/>                             |                  |
| CHECK                             | Check No: 106460 |
| Payor: raSmith                    | 300.00           |
| Total Applied:                    | 300.00           |
| <hr/>                             |                  |
| Change Tendered:                  | .00              |
| <hr/>                             |                  |

03/21/2024 8:08 AM



## VILLAGE OF FOX POINT

### ARBOR DAY PROCLAMATION



- WHEREAS; April 26, 2024, marks the 152nd Anniversary of Arbor Day, the 142<sup>nd</sup> year of celebration by Wisconsin school children; and
- WHEREAS; the Village of Fox Point has been recognized as a TREE CITY USA for 35 consecutive years by the National Arbor Day Foundation and desires to continue its tree-planting ways; and
- WHEREAS; trees can reduce the erosion of our precious topsoil by wind and water, lower our heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and
- WHEREAS; trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and
- WHEREAS; trees in our Village increase property values, enhance the economic vitality of commercial areas, and beautify our community; and
- WHEREAS; trees, wherever they are planted, are a source of joy and spiritual renewal,
- NOW THEREFORE; The Village Board of Fox Point does hereby proclaim Friday, April 26th, 2024 as



- in the Village of Fox Point, and urges all citizens to support the efforts to protect our trees and woodlands and to support our Village's urban forestry program; and
- FURTHER; the Village Board urges all citizens to plant and care for trees to gladden hearts and promote the well-being of present and future generations.
- DATED this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_

Village President \_\_\_\_\_  
Christine Symchych



# MEMORANDUM

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## POLICE DEPARTMENT VILLAGE OF FOX POINT

TO: VILLAGE BOARD OF TRUSTEES  
SCOTT BOTCHER, VILLAGE MANAGER

FROM: CHIEF CHRISTOPHER FREEDY

DATE: APRIL 1, 2024

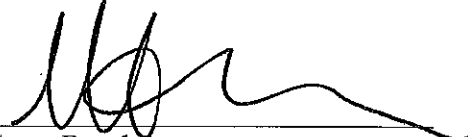
REGARDING: GRANT FUND EXPENDITURE

The Fox Point Police Department continues to explore external funding opportunities for equipment and training outside of the traditional budget process. These funding opportunities provide for advanced level training or certification from experts in their field, as well as specialty equipment that is outside of normal operations or advanced compared to regular operational need.

Through a competitive grant process, the police department has been awarded funds by the Wisconsin Department of Justice through the Law Enforcement Drug trafficking Program for the purchase of a TruNarc Portable Narcotics Analyzer, along with in-person training for 12 personnel and an extended warranty. This device is able to test an unknown substance using laser spectrometry and compare the analysis against a library of over 500 substances for identification purposes. This process will reduce the officers handling of unknown substances, which increases staff safety, while providing information that will assist in prosecution of offenders.

The grant award does not require matching funds from the municipality and is a reimbursement grant (the expenditure of funds will be reimbursement by the grant upon submission of receipts). I am requesting the village board authorize the village manager to sign a purchase order with Thermo Scientific for a TruNarc Portable Narcotics Analyzer in the amount of \$32,702.27.

This is to certify that the attached is true and correct list of bills due for a period from March 1-31, 2024, in the total amount of \$707,739.06. Each bill has been approved in writing by the official department head or employee authorized to incur the obligations and which bills have been audited by the undersigned pursuant to resolution of the Village Board.

  
\_\_\_\_\_  
Scott Botcher  
Village Manager  
Village of Fox Point

This is to certify that the above listed accounts and demands have been presented and allowed and ordered paid by the Village Board at a meeting thereof held on April 9, 2024

  
\_\_\_\_\_  
Christine Symchych  
Village President  
\_\_\_\_\_  
Sara A. Bruckman  
Village Clerk/Treasurer  
Village of Fox Point

VILLAGE OF FOX POINT

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|---------------------------------------|-----------------------------|-------------------|------------------------------|--------------|-------------|------------|
| <b>10-12100 TAXES RECEIVABLES</b>     |                             |                   |                              |              |             |            |
| 1651                                  | WROBLEWSKI, ANNA            | 35255             | OVERPAYMENT TAXES            | 03/05/2024   | 1.10        | 03/08/2024 |
| Total 10-12100 TAXES RECEIVABLES:     |                             |                   |                              |              | 1.10        |            |
| <b>10-21521 SUPPLEMENTAL PLANS</b>    |                             |                   |                              |              |             |            |
| 18                                    | SECURIAN FINANCIAL GROUP I  | 03/01/2024        | ACCIDENTAL                   | 02/29/2024   | 74.70       | 03/01/2024 |
| 18                                    | SECURIAN FINANCIAL GROUP I  | APRIL 2024        | ACCIDENTAL                   | 03/28/2024   | 74.70       | 03/29/2024 |
| 1227                                  | AFLAC                       | 136601            | ACCT #G8B41                  | 02/29/2024   | 760.44      | 03/01/2024 |
| Total 10-21521 SUPPLEMENTAL PLANS:    |                             |                   |                              |              | 909.84      |            |
| <b>10-21525 UNION DUES</b>            |                             |                   |                              |              |             |            |
| 185                                   | FOX POINT POLICE PROT. ASS  | MARCH 2024        | POLICE DUES                  | 03/14/2024   | 465.00      | 03/15/2024 |
| Total 10-21525 UNION DUES:            |                             |                   |                              |              | 465.00      |            |
| <b>10-21530 DEFERRED COMPENSATION</b> |                             |                   |                              |              |             |            |
| 77                                    | MissionSquare - 303753      | PR0314241         | Deferred Comp ICMA-PRETAX    | 03/13/2024   | 1,160.14    | 03/15/2024 |
| 77                                    | MissionSquare - 303753      | PR0328241         | Deferred Comp ICMA-PRETAX    | 03/27/2024   | 1,160.14    | 03/29/2024 |
| 375                                   | NORTH SHORE BANK, FSB       | PR0314242         | Deferred Comp NORTH SHORE    | 03/13/2024   | 2,260.00    | 03/15/2024 |
| 375                                   | NORTH SHORE BANK, FSB       | PR0328242         | Deferred Comp NORTH SHORE    | 03/27/2024   | 2,260.00    | 03/29/2024 |
| 814                                   | GREAT-WEST TRUST COMPAN     | PR0314241         | Deferred Comp WI DEFER - PRE | 03/13/2024   | 3,822.60    | 03/15/2024 |
| 814                                   | GREAT-WEST TRUST COMPAN     | PR0314241         | Deferred Comp WI DEFER - RO  | 03/13/2024   | 1,265.00    | 03/15/2024 |
| 814                                   | GREAT-WEST TRUST COMPAN     | PR0328241         | Deferred Comp WI DEFER - PRE | 03/27/2024   | 3,622.60    | 03/29/2024 |
| 814                                   | GREAT-WEST TRUST COMPAN     | PR0328241         | Deferred Comp WI DEFER - RO  | 03/27/2024   | 1,265.00    | 03/29/2024 |
| Total 10-21530 DEFERRED COMPENSATION: |                             |                   |                              |              | 16,815.48   |            |
| <b>10-21540 GARNISHMENT</b>           |                             |                   |                              |              |             |            |
| 797                                   | WI SCTF                     | 03/01/2024        | REMIT 217318 CASE PIN 217318 | 02/29/2024   | 149.60      | 03/01/2024 |
| 797                                   | WI SCTF                     | 03/15/2024        | REMIT 217318 CASE PIN 217318 | 03/14/2024   | 149.60      | 03/15/2024 |
| 797                                   | WI SCTF                     | 03/29/2024        | REMIT 217318 CASE PIN 217318 | 03/28/2024   | 149.60      | 03/29/2024 |
| Total 10-21540 GARNISHMENT:           |                             |                   |                              |              | 448.80      |            |
| <b>10-23000 WORKERS COMPENSATION</b>  |                             |                   |                              |              |             |            |
| 1658                                  | R & R INSURANCE SERVICES, I | 2988670           | WORKERS COMP                 | 03/14/2024   | 21,823.00   | 03/15/2024 |
| Total 10-23000 WORKERS COMPENSATION:  |                             |                   |                              |              | 21,823.00   |            |
| <b>10-45100 FINES/FORFEITURES</b>     |                             |                   |                              |              |             |            |
| 1652                                  | STOKES, ANGIE LYNETTE       | 03/06/2024        | OVERPAYMENT                  | 03/07/2024   | 6.00        | 03/08/2024 |
| 1736                                  | GREENFIELD MUNICIPAL COUR   | DAVIS, TIMMY 4/12 | DAVIS/ TIMMY U M/B 4/12/1993 | 03/07/2024   | 439.00      | 03/08/2024 |
| Total 10-45100 FINES/FORFEITURES:     |                             |                   |                              |              | 445.00      |            |
| <b>10-46710 PAVILION RENTALS</b>      |                             |                   |                              |              |             |            |
| 1137                                  | SMITH, ANDREW E OR SARAH    | 1.060000          | PAVILLION DEPOSIT            | 03/11/2024   | 50.00       | 03/15/2024 |
| Total 10-46710 PAVILION RENTALS:      |                             |                   |                              |              | 50.00       |            |
| <b>10-51200-310 SUPPLIES/EXPENSES</b> |                             |                   |                              |              |             |            |
| 1072                                  | WISCONSIN SUPREME COURT     | 680-0000001267    | CONTINUING EDUCATION         | 03/11/2024   | 800.00      | 03/15/2024 |
| 5645                                  | CNA SURETY                  | 5/1/24-5/1/25     | MUNICIPAL JUDGE BOND         | 03/12/2024   | 100.00      | 03/15/2024 |
| Total 10-51200-310 SUPPLIES/EXPENSES: |                             |                   |                              |              | 900.00      |            |

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| <b>10-51200-395 COUNTY COURT FEES</b>             |                            |                 |                           |              |             |            |
| 330                                               | MILWAUKEE COUNTY TREASU    | FEBRUARY 2024   | DRIVER SUR/JAIL FEE       | 03/04/2024   | 892.32      | 03/08/2024 |
| 552                                               | WISCONSIN, STATE OF - COUR | FEB 2024        | FEBRUARY                  | 03/04/2024   | 1,987.88    | 03/08/2024 |
| Total 10-51200-395 COUNTY COURT FEES:             |                            |                 |                           |              | 2,880.20    |            |
| <b>10-51300-218 VILLAGE ATTORNEY</b>              |                            |                 |                           |              |             |            |
| 535                                               | MUNICIPAL LAW & LITIGATION | 11600           | VLG ATTORNEY              | 02/29/2024   | 13,464.60   | 03/01/2024 |
| Total 10-51300-218 VILLAGE ATTORNEY:              |                            |                 |                           |              | 13,464.60   |            |
| <b>10-51420-321 PROFESSIONAL DUES/MEETINGS</b>    |                            |                 |                           |              |             |            |
| 57                                                | JPMORGAN CHASE BANK NA     | 03/12/2024      | CLERK                     | 03/07/2024   | 50.00       | 03/08/2024 |
| 57                                                | JPMORGAN CHASE BANK NA     | 03/12/2024      | CLERK                     | 03/07/2024   | 50.00       | 03/08/2024 |
| 57                                                | JPMORGAN CHASE BANK NA     | 03/12/2024      | CLERK                     | 03/07/2024   | 80.00       | 03/08/2024 |
| Total 10-51420-321 PROFESSIONAL DUES/MEETINGS:    |                            |                 |                           |              | 180.00      |            |
| <b>10-51420-322 TRAINING</b>                      |                            |                 |                           |              |             |            |
| 57                                                | JPMORGAN CHASE BANK NA     | 03/12/2024      | WI MUNICIPAL CLERKS       | 03/07/2024   | 80.00       | 03/08/2024 |
| 57                                                | JPMORGAN CHASE BANK NA     | 03/12/2024      | CLERK                     | 03/07/2024   | 8.85        | 03/08/2024 |
| Total 10-51420-322 TRAINING:                      |                            |                 |                           |              | 88.85       |            |
| <b>10-51420-323 OFFICIAL PUBLICATIONS/NOTICES</b> |                            |                 |                           |              |             |            |
| 1567                                              | GANNETT WISCONSIN LOCALI   | 9886434         | AACT 960009               | 02/29/2024   | 111.49      | 03/01/2024 |
| Total 10-51420-323 OFFICIAL PUBLICATIONS/NOTICES: |                            |                 |                           |              | 111.49      |            |
| <b>10-51440-310 SUPPLIES/EXPENSES</b>             |                            |                 |                           |              |             |            |
| 57                                                | JPMORGAN CHASE BANK NA     | 03/12/2024      | CLERK                     | 03/07/2024   | 81.25       | 03/08/2024 |
| 57                                                | JPMORGAN CHASE BANK NA     | 03/12/2024      | CLERK                     | 03/07/2024   | 53.49       | 03/08/2024 |
| 124                                               | BEAR GRAPHICS, INC.        | 0935730         | ELLECTION ENVELOPES       | 03/21/2024   | 974.24      | 03/22/2024 |
| 124                                               | BEAR GRAPHICS, INC.        | 0935731         | ELLECTION ENVELOPES       | 03/21/2024   | 974.24      | 03/22/2024 |
| 451                                               | SCHWAAB, INC.              | 4466996         | STAMPS                    | 02/29/2024   | 197.00      | 03/01/2024 |
| Total 10-51440-310 SUPPLIES/EXPENSES:             |                            |                 |                           |              | 2,280.22    |            |
| <b>10-51520-321 PROFESSIONAL DUES/MEETINGS</b>    |                            |                 |                           |              |             |            |
| 2678                                              | MTAW                       | 2024            | DUES CARTHELL             | 03/28/2024   | 60.00       | 03/29/2024 |
| Total 10-51520-321 PROFESSIONAL DUES/MEETINGS:    |                            |                 |                           |              | 60.00       |            |
| <b>10-51520-322 TRAINING</b>                      |                            |                 |                           |              |             |            |
| 57                                                | JPMORGAN CHASE BANK NA     | 03/12/2024      | WI MUNICIPAL CLERKS       | 03/07/2024   | 80.00       | 03/08/2024 |
| 57                                                | JPMORGAN CHASE BANK NA     | 03/12/2024      | FINANCIAL                 | 03/07/2024   | 166.33      | 03/08/2024 |
| 2678                                              | MTAW                       | 2024 SPRING CON | CONFERENCE CARTHELL       | 02/29/2024   | 135.00      | 03/01/2024 |
| Total 10-51520-322 TRAINING:                      |                            |                 |                           |              | 381.33      |            |
| <b>10-51530-210 CONTRACT SERVICES</b>             |                            |                 |                           |              |             |            |
| 57                                                | JPMORGAN CHASE BANK NA     | 03/12/2024      | MISC                      | 03/07/2024   | 599.00      | 03/08/2024 |
| 2708                                              | ASSOCIATED APPRAISAL CON   | 173075          | PROFESSION SERV/ INTERNET | 02/29/2024   | 2,850.15    | 03/01/2024 |
| 2708                                              | ASSOCIATED APPRAISAL CON   | 173579          | PROFESSION SERV/ INTERNET | 03/28/2024   | 2,850.15    | 03/29/2024 |
| Total 10-51530-210 CONTRACT SERVICES:             |                            |                 |                           |              | 6,299.30    |            |

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| <b>10-51600-210 CONTRACT SERVICES</b>        |                             |                 |                         |              |             |            |
| 57                                           | JPMORGAN CHASE BANK NA      | 03/12/2024      | FINANCE CHARGE          | 03/07/2024   | 52.79       | 03/08/2024 |
| 57                                           | JPMORGAN CHASE BANK NA      | 03/12/2024      | VILLAGE                 | 03/07/2024   | 405.00      | 03/08/2024 |
| 57                                           | JPMORGAN CHASE BANK NA      | 03/12/2024      | VILLAGE                 | 03/07/2024   | 10.13       | 03/08/2024 |
| 57                                           | JPMORGAN CHASE BANK NA      | 03/12/2024      | ZOOM                    | 03/07/2024   | 40.00       | 03/08/2024 |
| 265                                          | GREATAMERICAN FINANCIAL S   | 36144390        | MONTHLY COPIER          | 03/27/2024   | 232.00      | 03/29/2024 |
| 405                                          | PITNEY BOWES INC.           | 3318752694      | QUARTERLY FEES          | 02/29/2024   | 462.72      | 03/01/2024 |
| 477                                          | TAYLOR COMPUTER SERVICES    | 26004           | MANAGED SERVICES        | 03/21/2024   | 944.25      | 03/22/2024 |
| 789                                          | DO IT NOW CLEANING LLC      | 731             | MONTHLY CLEANING        | 02/29/2024   | 1,583.37    | 03/01/2024 |
| 789                                          | DO IT NOW CLEANING LLC      | 741             | MONTHLY CLEANING        | 03/27/2024   | 1,583.37    | 03/29/2024 |
| 1353                                         | FORWARD TS, LTD             | AR221647        | MONTHLY COPIES          | 03/14/2024   | 435.61      | 03/15/2024 |
| 2028                                         | GENERAL CODE                | PG000035456     | CODE                    | 03/07/2024   | 935.00      | 03/08/2024 |
| Total 10-51600-210 CONTRACT SERVICES:        |                             |                 |                         |              | 6,684.24    |            |
| <b>10-51600-220 GAS-HEAT</b>                 |                             |                 |                         |              |             |            |
| 536                                          | WE-ENERGIES                 | 2/23/2024       | 0702787382-00002        | 03/04/2024   | 839.97      | 03/08/2024 |
| Total 10-51600-220 GAS-HEAT:                 |                             |                 |                         |              | 839.97      |            |
| <b>10-51600-221 ELECTRIC UTILITIES</b>       |                             |                 |                         |              |             |            |
| 536                                          | WE-ENERGIES                 | 03/05/2024      | 0702787382-00009        | 03/11/2024   | 20.40       | 03/15/2024 |
| 536                                          | WE-ENERGIES                 | 2/23/2024       | 0702787382-00002        | 03/04/2024   | 1,322.50    | 03/08/2024 |
| Total 10-51600-221 ELECTRIC UTILITIES:       |                             |                 |                         |              | 1,342.90    |            |
| <b>10-51600-222 TELEPHONE UTILITIES</b>      |                             |                 |                         |              |             |            |
| 2691                                         | CENTURYLINK-BUSINESS SVC.   | 680262996       | 87619173                | 03/11/2024   | .51         | 03/15/2024 |
| 5312                                         | AT & T- VILLAGE             | 02/22/2024      | 414 351-8900 758 7      | 03/05/2024   | 63.50       | 03/08/2024 |
| Total 10-51600-222 TELEPHONE UTILITIES:      |                             |                 |                         |              | 64.01       |            |
| <b>10-51600-223 WATER/SEWER UTILITIES</b>    |                             |                 |                         |              |             |            |
| 186                                          | FOX POINT, VILLAGE OF - W/U | 11/01/23-2/1/24 | VH WATER AND SEWER      | 03/05/2024   | 837.85      | 03/08/2024 |
| Total 10-51600-223 WATER/SEWER UTILITIES:    |                             |                 |                         |              | 837.85      |            |
| <b>10-51600-234 VILLAGE HALL MAINTENANCE</b> |                             |                 |                         |              |             |            |
| 57                                           | JPMORGAN CHASE BANK NA      | 03/12/2024      | VILLAGE                 | 03/07/2024   | 13.06       | 03/08/2024 |
| 360                                          | NASSCO INC.                 | 6405416         | PAPERSUPPLIES           | 03/26/2024   | 342.29      | 03/29/2024 |
| 502                                          | VILLAGE HARDWARE - VH       | 23600/1         | CLEANER                 | 03/08/2024   | 13.83       | 03/15/2024 |
| 742                                          | NELCO ELECTRIC INC          | 22993           | REPAIR                  | 02/24/2024   | 1,084.07    | 03/01/2024 |
| 776                                          | GRAINGER, INC.              | 9014316617      | CONTROL STATION         | 02/24/2024   | 49.50       | 03/01/2024 |
| 892                                          | SPECTRUM                    | 03/07/24        | 8348 10 012 0042231 VLG | 03/14/2024   | 13.78       | 03/15/2024 |
| 1235                                         | J.M. BRENNAN, INC.          | 11006759        | REPAIR                  | 02/24/2024   | 1,643.26    | 03/01/2024 |
| 1710                                         | UP NORTH SERVICES           | 4491            | PEST CONTROL VLG        | 02/24/2024   | 50.00       | 03/01/2024 |
| Total 10-51600-234 VILLAGE HALL MAINTENANCE: |                             |                 |                         |              | 3,209.79    |            |
| <b>10-51600-310 SUPPLIES/MISC EXPENSES</b>   |                             |                 |                         |              |             |            |
| 57                                           | JPMORGAN CHASE BANK NA      | 03/12/2024      | VILLAGE                 | 03/07/2024   | 16.69       | 03/08/2024 |
| 57                                           | JPMORGAN CHASE BANK NA      | 03/12/2024      | VILLAGE                 | 03/07/2024   | 162.20      | 03/08/2024 |
| 57                                           | JPMORGAN CHASE BANK NA      | 03/12/2024      | VILLAGE                 | 03/07/2024   | 34.94       | 03/08/2024 |
| 57                                           | JPMORGAN CHASE BANK NA      | 03/12/2024      | VILLAGE                 | 03/07/2024   | 44.07       | 03/08/2024 |
| 57                                           | JPMORGAN CHASE BANK NA      | 03/12/2024      | VILLAGE                 | 03/07/2024   | 9.86        | 03/08/2024 |
| 57                                           | JPMORGAN CHASE BANK NA      | 03/12/2024      | VILLAGE                 | 03/07/2024   | 10.39       | 03/08/2024 |
| 57                                           | JPMORGAN CHASE BANK NA      | 03/12/2024      | VILLAGE                 | 03/07/2024   | 256.97      | 03/08/2024 |
| 57                                           | JPMORGAN CHASE BANK NA      | 03/12/2024      | VILLAGE                 | 03/07/2024   | 93.97       | 03/08/2024 |



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| 1766                                             | CONFLUENCE GRAPHICS         | 80687          | BUSINESS CARDS             | 02/29/2024   | 60.00       | 03/01/2024 |
| Total 10-51600-310 SUPPLIES/MISC EXPENSES:       |                             |                |                            |              | 708.89      |            |
| <b>10-51700-510 INSURANCE</b>                    |                             |                |                            |              |             |            |
| 1658                                             | R & R INSURANCE SERVICES, I | 2988671        | LWMMI                      | 03/14/2024   | 26,459.25   | 03/15/2024 |
| Total 10-51700-510 INSURANCE:                    |                             |                |                            |              | 26,459.25   |            |
| <b>10-51700-511 GROUP HEALTH - RETIREES</b>      |                             |                |                            |              |             |            |
| 270                                              | LAMM, GERALD                | 3              | Health Insurance           | 03/01/2024   | 426.28      | 03/01/2024 |
| 433                                              | RESNICK, AMY                | 50             | HEALTH INSURANCE REIMBUR   | 03/01/2024   | 831.27      | 03/01/2024 |
| 435                                              | RIES, DANIEL                | 66             | HEALTH                     | 03/01/2024   | 486.80      | 03/01/2024 |
| 435                                              | RIES, DANIEL                | MARCH 2024     | FINAL HEALTH REIMB         | 02/29/2024   | 1,107.84    | 03/01/2024 |
| 446                                              | SCHELLING JUDITH            | 29             | REIMBURSEMENT              | 03/01/2024   | 306.75      | 03/01/2024 |
| 520                                              | WICHMAN, MICHELLE           | 11             | MONTHLY                    | 03/01/2024   | 386.76      | 03/01/2024 |
| 2194                                             | OBREMSKI, DANIEL            | 15             | SUPPLEMENTAL PAY           | 03/01/2024   | 386.76      | 03/01/2024 |
| Total 10-51700-511 GROUP HEALTH - RETIREES:      |                             |                |                            |              | 3,912.46    |            |
| <b>10-52100-210 POLICE MAINTENANCE CONTRACTS</b> |                             |                |                            |              |             |            |
| 1215                                             | MONITORING SERVICES LLC     | 3721           | ANNUAL FIRE ALARM          | 03/12/2024   | 312.00      | 03/15/2024 |
| 1452                                             | POWERDMS                    | 49013          | SUBSCRIPTION               | 03/05/2024   | 2,625.00    | 03/08/2024 |
| 5152                                             | JAMES IMAGING SYSTEMS, IN   | 1420071        | POLICE DEPARTMENT          | 03/21/2024   | 102.92      | 03/22/2024 |
| Total 10-52100-210 POLICE MAINTENANCE CONTRACTS: |                             |                |                            |              | 3,039.92    |            |
| <b>10-52100-220 GAS UTILITIES</b>                |                             |                |                            |              |             |            |
| 536                                              | WE-ENERGIES                 | 03/25/2024     | 0702787382-00008           | 03/28/2024   | 553.48      | 03/29/2024 |
| 536                                              | WE-ENERGIES                 | 2/22/2024      | 0702787382-00008           | 02/27/2024   | 685.44      | 03/01/2024 |
| Total 10-52100-220 GAS UTILITIES:                |                             |                |                            |              | 1,238.92    |            |
| <b>10-52100-221 ELECTRIC UTILITIES</b>           |                             |                |                            |              |             |            |
| 536                                              | WE-ENERGIES                 | 02/23/24       | 0702787382-00006           | 02/29/2024   | 1,553.20    | 03/01/2024 |
| 536                                              | WE-ENERGIES                 | 03/25/2024     | 0702787382-00015           | 03/28/2024   | 36.61       | 03/29/2024 |
| 536                                              | WE-ENERGIES                 | 03/25/2024     | 0702787382-00006           | 03/28/2024   | 1,728.30    | 03/29/2024 |
| 536                                              | WE-ENERGIES                 | 2/22/2024      | 0702787382-00015           | 02/27/2024   | 35.40       | 03/01/2024 |
| Total 10-52100-221 ELECTRIC UTILITIES:           |                             |                |                            |              | 3,354.51    |            |
| <b>10-52100-222 TELEPHONE UTILITIES</b>          |                             |                |                            |              |             |            |
| 892                                              | SPECTRUM                    | 20240301DTA    | 8348 10 012 0041845 POLICE | 03/12/2024   | 14.33       | 03/15/2024 |
| 892                                              | SPECTRUM                    | 70433001030124 | 070433001                  | 03/07/2024   | 777.71      | 03/08/2024 |
| 2691                                             | CENTURYLINK-BUSINESS SVC.   | 680262996      | 87619173                   | 03/11/2024   | .50         | 03/15/2024 |
| 5312                                             | AT & T- VILLAGE             | 02/22/2024     | 414 351-8900 758 7         | 03/05/2024   | 39.69       | 03/08/2024 |
| Total 10-52100-222 TELEPHONE UTILITIES:          |                             |                |                            |              | 832.23      |            |
| <b>10-52100-223 WATER/SEWER UTILITIES</b>        |                             |                |                            |              |             |            |
| 186                                              | FOX POINT, VILLAGE OF - W/U | 11/1-2/1/24    | POLICE WATER AND SEWER     | 03/04/2024   | 1,481.40    | 03/08/2024 |
| Total 10-52100-223 WATER/SEWER UTILITIES:        |                             |                |                            |              | 1,481.40    |            |
| <b>10-52100-232 VEHICLE MAINTENANCE</b>          |                             |                |                            |              |             |            |
| 631                                              | FACTORY MOTOR PARTS         | 160-204307     | WASH PD                    | 03/25/2024   | 28.08       | 03/29/2024 |
| 1246                                             | SECURE FIRE & SAFETY LLC    | 42822          | MAINTENANCE                | 03/05/2024   | 145.35      | 03/08/2024 |

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| Total 10-52100-232 VEHICLE MAINTENANCE:   |                            |                  |                    |              | 173.43      |            |
| <b>10-52100-233 EQUIPMENT MAINTENANCE</b> |                            |                  |                    |              |             |            |
| 57                                        | JPMORGAN CHASE BANK NA     | 03/12/2024       | ZOOM               | 03/07/2024   | 159.90      | 03/08/2024 |
| 57                                        | JPMORGAN CHASE BANK NA     | 03/12/2024       | POLICE             | 03/07/2024   | 90.00       | 03/08/2024 |
| 57                                        | JPMORGAN CHASE BANK NA     | 03/12/2024       | POLICE             | 03/07/2024   | 58.25       | 03/08/2024 |
| 57                                        | JPMORGAN CHASE BANK NA     | 03/12/2024       | POLICE             | 03/07/2024   | 360.15      | 03/08/2024 |
| 57                                        | JPMORGAN CHASE BANK NA     | 03/12/2024       | POLICE             | 03/07/2024   | 19.00       | 03/08/2024 |
| 57                                        | JPMORGAN CHASE BANK NA     | 03/12/2024       | POLICE             | 03/07/2024   | 5.26        | 03/08/2024 |
| 86                                        | BROWN DEER, VILLAGE OF     | 24-0001410       | RANGE FEES         | 03/05/2024   | 500.00      | 03/08/2024 |
| 1762                                      | SOS ELECTRONICS            | 24-3013          | REPAIR             | 03/25/2024   | 122.00      | 03/29/2024 |
| 5645                                      | CNA SURETY                 | 69165025-2024    | BLANKET NOTARY     | 03/21/2024   | 81.25       | 03/22/2024 |
| 5839                                      | LEXISNEXIS                 | 1246411-20240229 | MONTHLY            | 03/07/2024   | 30.00       | 03/08/2024 |
| 102081                                    | GOODYEAR AUTO SERVICE CE   | 55976            | TIRES              | 03/05/2024   | 270.00      | 03/08/2024 |
| Total 10-52100-233 EQUIPMENT MAINTENANCE: |                            |                  |                    |              | 1,695.81    |            |
| <b>10-52100-310 SUPPLIES/EXPENSES</b>     |                            |                  |                    |              |             |            |
| 57                                        | JPMORGAN CHASE BANK NA     | 03/12/2024       | POLICE             | 03/07/2024   | 61.56       | 03/08/2024 |
| 57                                        | JPMORGAN CHASE BANK NA     | 03/12/2024       | POLICE             | 03/07/2024   | 48.98       | 03/08/2024 |
| 61                                        | BAYSIDE, VILLAGE OF        | 2400001750       | ADOBE LICENSE      | 03/05/2024   | 94.29       | 03/08/2024 |
| Total 10-52100-310 SUPPLIES/EXPENSES:     |                            |                  |                    |              | 202.83      |            |
| <b>10-52100-330 CLOTHING ALLOWANCE</b>    |                            |                  |                    |              |             |            |
| 57                                        | JPMORGAN CHASE BANK NA     | 03/12/2024       | POLICE             | 03/07/2024   | 84.72       | 03/08/2024 |
| 57                                        | JPMORGAN CHASE BANK NA     | 03/12/2024       | POLICE             | 03/07/2024   | 84.72       | 03/08/2024 |
| 57                                        | JPMORGAN CHASE BANK NA     | 03/12/2024       | POLICE             | 03/07/2024   | 90.78       | 03/08/2024 |
| 57                                        | JPMORGAN CHASE BANK NA     | 03/12/2024       | POLICE             | 03/07/2024   | 211.25      | 03/08/2024 |
| 473                                       | STREICHER'S                | 1678616          | GABRIELSE          | 03/07/2024   | 317.98      | 03/08/2024 |
| 473                                       | STREICHER'S                | 1678617          | WALKER             | 03/07/2024   | 11.99       | 03/08/2024 |
| 473                                       | STREICHER'S                | 1678618          | WALKER             | 03/07/2024   | 12.99       | 03/08/2024 |
| 473                                       | STREICHER'S                | 1678620          | GABRIELSE          | 03/07/2024   | 19.98       | 03/08/2024 |
| 473                                       | STREICHER'S                | 1678678          | GABRIELSE          | 03/07/2024   | 59.00       | 03/08/2024 |
| 473                                       | STREICHER'S                | 1685091          | BASTRESS           | 03/05/2024   | 56.98       | 03/08/2024 |
| 473                                       | STREICHER'S                | 1685092          | PAUL               | 03/05/2024   | 138.96      | 03/08/2024 |
| 473                                       | STREICHER'S                | 1659330          | FREEDY             | 03/22/2024   | 110.00      | 03/29/2024 |
| 473                                       | STREICHER'S                | 1689361          | PAUL               | 03/22/2024   | 119.98      | 03/29/2024 |
| 473                                       | STREICHER'S                | 1659362          | FIELD              | 03/22/2024   | 90.00       | 03/29/2024 |
| 473                                       | STREICHER'S                | 1689363          | BASTRESS           | 03/22/2024   | 49.98       | 03/29/2024 |
| 473                                       | STREICHER'S                | 1689375          | FREEDY             | 03/22/2024   | 65.00       | 03/29/2024 |
| 1294                                      | Galls, LLC,-               | 026547282        | GROSSMUELLER       | 03/06/2024   | 40.93       | 03/08/2024 |
| 1294                                      | Galls, LLC,-               | 026744842        | GROSSMUELLER       | 03/06/2024   | 182.95      | 03/08/2024 |
| 1294                                      | Galls, LLC,-               | 027197457        | FREEDY             | 03/06/2024   | 225.88      | 03/08/2024 |
| 1294                                      | Galls, LLC,-               | 027381827        | GROSSMUELLER       | 03/22/2024   | 42.58       | 03/29/2024 |
| 1294                                      | Galls, LLC,-               | 27335995         | GROSSMUELLER       | 03/21/2024   | 289.45      | 03/22/2024 |
| Total 10-52100-330 CLOTHING ALLOWANCE:    |                            |                  |                    |              | 1,750.86    |            |
| <b>10-52100-334 JANITORIAL SUPPLIES</b>   |                            |                  |                    |              |             |            |
| 393                                       | PACKERLAND RENT-A-MAT INC. | 3099750          | POLICE 10586-10586 | 03/21/2024   | 223.07      | 03/22/2024 |
| 1585                                      | QUILL CORPORTATION         | 37481135         | PAPER TOWELS       | 03/12/2024   | 40.99       | 03/15/2024 |
| Total 10-52100-334 JANITORIAL SUPPLIES:   |                            |                  |                    |              | 264.06      |            |
| <b>10-52100-335 SCHOOL EXPENSES</b>       |                            |                  |                    |              |             |            |
| 57                                        | JPMORGAN CHASE BANK NA     | 03/12/2024       | POLICE             | 03/07/2024   | 375.00      | 03/08/2024 |

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| Total 10-52100-335 SCHOOL EXPENSES:             |                          |                |                  |              | 375.00      |            |
| <b>10-52200-224 NORTH SHORE FIRE DEPARTMENT</b> |                          |                |                  |              |             |            |
| 54                                              | NORTH SHORE FIRE DEPARTM | 202415         | OPERATING        | 03/07/2024   | 304,242.00  | 03/08/2024 |
| Total 10-52200-224 NORTH SHORE FIRE DEPARTMENT: |                          |                |                  |              | 304,242.00  |            |
| <b>10-53100-233 GIS MAINTENANCE</b>             |                          |                |                  |              |             |            |
| 39                                              | RUEKERT MIELKE, INC.     | 150264         | ANNUAL           | 03/08/2024   | 521.50      | 03/15/2024 |
| Total 10-53100-233 GIS MAINTENANCE:             |                          |                |                  |              | 521.50      |            |
| <b>10-53100-310 SUPPLIES/EXPENSES</b>           |                          |                |                  |              |             |            |
| 57                                              | JPMORGAN CHASE BANK NA   | 03/12/2024     | ENGINEER         | 03/07/2024   | 8.06        | 03/08/2024 |
| 57                                              | JPMORGAN CHASE BANK NA   | 03/12/2024     | ENGINEER         | 03/07/2024   | 13.41       | 03/08/2024 |
| Total 10-53100-310 SUPPLIES/EXPENSES:           |                          |                |                  |              | 21.47       |            |
| <b>10-53100-322 TRAINING</b>                    |                          |                |                  |              |             |            |
| 57                                              | JPMORGAN CHASE BANK NA   | 03/12/2024     | ENGINEER         | 03/07/2024   | 300.00      | 03/08/2024 |
| Total 10-53100-322 TRAINING:                    |                          |                |                  |              | 300.00      |            |
| <b>10-53300-221 STREET LIGHTS - ELECTRIC</b>    |                          |                |                  |              |             |            |
| 536                                             | WE-ENERGIES              | 03/05/2024     | 0702787362-00001 | 03/11/2024   | 185.67      | 03/15/2024 |
| 536                                             | WE-ENERGIES              | 03/11/2024     | 0702787382-00013 | 03/14/2024   | 19.20       | 03/15/2024 |
| Total 10-53300-221 STREET LIGHTS - ELECTRIC:    |                          |                |                  |              | 204.87      |            |
| <b>10-53300-485 BRIDGE MATERIALS</b>            |                          |                |                  |              |             |            |
| 57                                              | JPMORGAN CHASE BANK NA   | 03/12/2024     | STATE CHEMIC     | 03/07/2024   | 878.95      | 03/08/2024 |
| Total 10-53300-485 BRIDGE MATERIALS:            |                          |                |                  |              | 878.95      |            |
| <b>10-53400-221 BUS STOP-ELECTRIC</b>           |                          |                |                  |              |             |            |
| 536                                             | WE-ENERGIES              | 03/11/2024     | 0702787382-00016 | 03/14/2024   | 16.76       | 03/15/2024 |
| 536                                             | WE-ENERGIES              | 03/13/24       | 0702787382-00005 | 03/19/2024   | 16.76       | 03/22/2024 |
| 536                                             | WE-ENERGIES              | 3/12/24        | 0702787382-00003 | 03/18/2024   | 19.11       | 03/22/2024 |
| Total 10-53400-221 BUS STOP-ELECTRIC:           |                          |                |                  |              | 52.63       |            |
| <b>10-53630-370 LANDFILL FEES</b>               |                          |                |                  |              |             |            |
| 1298                                            | WASTE MANAGEMENT OF WI-M | 0000962-1986-9 | MSW              | 03/07/2024   | 5,833.08    | 03/08/2024 |
| Total 10-53630-370 LANDFILL FEES:               |                          |                |                  |              | 5,833.08    |            |
| <b>10-53642-400 MATERIALS</b>                   |                          |                |                  |              |             |            |
| 1298                                            | WASTE MANAGEMENT OF WI-M | 0069403-2286-7 | YARDWASTE        | 03/07/2024   | 254.27      | 03/08/2024 |
| 1298                                            | WASTE MANAGEMENT OF WI-M | 0069525-2286-7 | YARDWASTE        | 03/25/2024   | 416.34      | 03/29/2024 |
| Total 10-53642-400 MATERIALS:                   |                          |                |                  |              | 670.61      |            |
| <b>10-53700-300 MISCELLANEOUS EXPENSE</b>       |                          |                |                  |              |             |            |
| 2241                                            | ITU ABSORB TECH, INC     | 8280673        | SHOP             | 02/24/2024   | 11.90       | 03/01/2024 |
| 2241                                            | ITU ABSORB TECH, INC     | 8288870        | SHOP             | 02/24/2024   | 11.90       | 03/01/2024 |
| 2241                                            | ITU ABSORB TECH, INC     | 8296934        | SHOP             | 03/18/2024   | 11.90       | 03/22/2024 |

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| Total 10-53700-300 MISCELLANEOUS EXPENSE: |                             |                |                   |              | 35.70       |            |
| <b>10-53700-341 REPAIR PARTS</b>          |                             |                |                   |              |             |            |
| 52                                        | BRAKE & EQUIPMENT           | 757092         | MISC              | 02/24/2024   | 33.20       | 03/01/2024 |
| 57                                        | JPMORGAN CHASE BANK NA      | 03/12/2024     | SHOP              | 03/07/2024   | 116.99      | 03/08/2024 |
| 57                                        | JPMORGAN CHASE BANK NA      | 03/12/2024     | SHOP              | 03/07/2024   | 21.98       | 03/08/2024 |
| 57                                        | JPMORGAN CHASE BANK NA      | 03/12/2024     | SHOP              | 03/07/2024   | 104.19      | 03/08/2024 |
| 57                                        | JPMORGAN CHASE BANK NA      | 03/12/2024     | SHOP              | 03/07/2024   | 240.45      | 03/08/2024 |
| 57                                        | JPMORGAN CHASE BANK NA      | 03/12/2024     | SHOP              | 03/07/2024   | 104.19      | 03/08/2024 |
| 57                                        | JPMORGAN CHASE BANK NA      | 03/12/2024     | SHOP              | 03/07/2024   | 104.19      | 03/08/2024 |
| 89                                        | FABICK CAT                  | PIMK0317763    | FILTER            | 03/18/2024   | 34.05       | 03/22/2024 |
| 89                                        | FABICK CAT                  | PIMK0317764    | MISC              | 03/18/2024   | 10.18       | 03/22/2024 |
| 89                                        | FABICK CAT                  | PIMK0317765    | MISC PARTS        | 03/18/2024   | 10.18       | 03/22/2024 |
| 436                                       | RITTER TECHNOLOGY LLC       | d43655-001     | HOSE AND FITTING  | 02/24/2024   | 610.39      | 03/01/2024 |
| 502                                       | VILLAGE HARDWARE - VH       | 12283/3        | PARTS             | 03/18/2024   | 384.45      | 03/22/2024 |
| 547                                       | ROLAND MACHINERY            | 40123859       | MISC              | 02/24/2024   | 268.76      | 03/01/2024 |
| 547                                       | ROLAND MACHINERY            | 40123753       | MISC              | 02/24/2024   | 166.43      | 03/01/2024 |
| 547                                       | ROLAND MACHINERY            | 40124852       | LUBE SPIN         | 03/18/2024   | 15.42       | 03/22/2024 |
| 547                                       | ROLAND MACHINERY            | 40124881       | LUBE SPIN         | 03/18/2024   | 96.59       | 03/22/2024 |
| 591                                       | CUMMINS INC.                | F6-71100       | FILTER            | 03/18/2024   | 58.56       | 03/22/2024 |
| 597                                       | BROOKS TRACTOR INC.         | 285052*        | SERVICE CALL      | 12/31/2023   | 234.00      | 03/22/2024 |
| 597                                       | BROOKS TRACTOR INC.         | M74265         | MISC              | 03/18/2024   | 618.87      | 03/22/2024 |
| 631                                       | FACTORY MOTOR PARTS         | 13-1720199     | PARTS             | 02/24/2024   | 65.62       | 03/01/2024 |
| 631                                       | FACTORY MOTOR PARTS         | 13-1721737     | PARTS             | 02/24/2024   | 43.20       | 03/01/2024 |
| 631                                       | FACTORY MOTOR PARTS         | 13-1721874     | BATTERY LESS CORE | 02/24/2024   | 99.53       | 03/01/2024 |
| 631                                       | FACTORY MOTOR PARTS         | 160-199006     | PARTS             | 02/24/2024   | 134.06      | 03/01/2024 |
| 631                                       | FACTORY MOTOR PARTS         | 160-200418     | PARTS             | 02/24/2024   | 85.92       | 03/01/2024 |
| 631                                       | FACTORY MOTOR PARTS         | 160-200419     | PARTS             | 02/24/2024   | 42.96       | 03/01/2024 |
| 631                                       | FACTORY MOTOR PARTS         | 160-200784     | PARTS             | 02/24/2024   | 60.80       | 03/01/2024 |
| 631                                       | FACTORY MOTOR PARTS         | 160-201455     | PARTS             | 03/18/2024   | 33.98       | 03/22/2024 |
| 631                                       | FACTORY MOTOR PARTS         | 160-201493     | MISC              | 03/18/2024   | 102.86      | 03/22/2024 |
| 631                                       | FACTORY MOTOR PARTS         | 160-201845     | MISC              | 03/18/2024   | 9.80        | 03/22/2024 |
| 631                                       | FACTORY MOTOR PARTS         | 160-202973     | MISC              | 03/18/2024   | 7.60        | 03/22/2024 |
| 631                                       | FACTORY MOTOR PARTS         | 50-5056657     | PARTS             | 02/24/2024   | 98.06       | 03/01/2024 |
| 631                                       | FACTORY MOTOR PARTS         | 50-5141943     | MISC              | 03/18/2024   | 67.55       | 03/22/2024 |
| 665                                       | LAKESIDE INTERNATIONAL TR   | 1414459P       | MISC              | 02/24/2024   | 49.37       | 03/01/2024 |
| 665                                       | LAKESIDE INTERNATIONAL TR   | 1414459PX1     | MISC              | 03/18/2024   | 109.18      | 03/22/2024 |
| 776                                       | GRAINGER, INC.              | 9971183812     | STRUT             | 02/24/2024   | 1,135.73    | 03/01/2024 |
| 1042                                      | EJ EQUIPMENT INC            | P11367         | BRAKE PARTS       | 03/19/2024   | 96.16       | 03/22/2024 |
| 1042                                      | EJ EQUIPMENT INC            | P11387         | MISC              | 03/19/2024   | 1,009.68    | 03/22/2024 |
| 1042                                      | EJ EQUIPMENT INC            | P11858         | BRAKE PARTS       | 03/19/2024   | 341.41      | 03/22/2024 |
| 1074                                      | MATHESON TRI-GAS, INC       | 0029342880     | CABLE             | 03/19/2024   | 13.04       | 03/22/2024 |
| 1074                                      | MATHESON TRI-GAS, INC       | 52305320       | ACETYLENE         | 02/24/2024   | 48.63       | 03/01/2024 |
| 1179                                      | MILWAUKEE RUBBER PRODUC     | IM12330        | MISC              | 03/18/2024   | 27.23       | 03/22/2024 |
| 1293                                      | SERWE IMPLEMENT CO., INC    | 10652          | BLADE             | 12/31/2023   | 235.83      | 03/22/2024 |
| 1629                                      | CASPER'S TRUCK EQUIPMENT    | 0059789-IN     | PARTS             | 02/24/2024   | 358.00      | 03/01/2024 |
| 1629                                      | CASPER'S TRUCK EQUIPMENT    | 0059879-IN     | HYD MOTOR         | 02/24/2024   | 1,239.91    | 03/01/2024 |
| 2000                                      | DAVES WELDING               | 64104          | FABRICATION       | 02/24/2024   | 1,379.20    | 03/01/2024 |
| 4389                                      | BOBCAT PLUS, INC.           | IB24444        | BLADE             | 03/19/2024   | 479.84      | 03/22/2024 |
| 4529                                      | NEU'S BUILDING CENTER, INC. | 4672851        | PARTS             | 03/18/2024   | 47.32       | 03/22/2024 |
| 4554                                      | TERMINAL SUPPLY CO.         | 15349-00       | MISC SHOP         | 02/24/2024   | 198.93      | 03/01/2024 |
| 4554                                      | TERMINAL SUPPLY CO.         | 3360           | MISC SHOP         | 02/26/2024   | 44.85       | 03/01/2024 |
| 4836                                      | REINDERS, INC.              | 6046843-00     | PARTS             | 02/24/2024   | 618.08      | 03/01/2024 |
| 102169                                    | TRUCK COUNTRY OF WISCON     | X203959073:01  | MISC PARTS        | 03/18/2024   | 171.23      | 03/22/2024 |
| 102169                                    | TRUCK COUNTRY OF WISCON     | X207065618:01  | MISC PARTS        | 03/18/2024   | 35.06       | 03/22/2024 |

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| Total 10-53700-341 REPAIR PARTS:          |                             |                 |                    |              | 11,516.37   |            |
| <b>10-53700-342 TIRES</b>                 |                             |                 |                    |              |             |            |
| 57                                        | JPMORGAN CHASE BANK NA      | 03/12/2024      | TIRES              | 03/07/2024   | 356.00      | 03/08/2024 |
| Total 10-53700-342 TIRES:                 |                             |                 |                    |              | 356.00      |            |
| <b>10-53700-343 FUEL</b>                  |                             |                 |                    |              |             |            |
| 631                                       | FACTORY MOTOR PARTS         | 160-200224      | DEF                | 02/24/2024   | 129.92      | 03/01/2024 |
| 631                                       | FACTORY MOTOR PARTS         | 160-202973      | DEF                | 03/18/2024   | 50.92       | 03/22/2024 |
| 631                                       | FACTORY MOTOR PARTS         | 160-203292      | DEF                | 03/18/2024   | 50.92       | 03/22/2024 |
| 2179                                      | EDWARD H. WOLF & SON'S INC  | 734258          | FUEL               | 02/26/2024   | 840.91      | 03/01/2024 |
| 2179                                      | EDWARD H. WOLF & SON'S INC  | 734265          | FUEL               | 02/26/2024   | 522.93      | 03/01/2024 |
| 2179                                      | EDWARD H. WOLF & SON'S INC  | 748185          | FUEL               | 03/14/2024   | 1,667.51    | 03/15/2024 |
| 2179                                      | EDWARD H. WOLF & SON'S INC  | 748235          | FUEL               | 03/14/2024   | 1,133.02    | 03/15/2024 |
| 2179                                      | EDWARD H. WOLF & SON'S INC  | 762241          | FUEL               | 03/25/2024   | 1,891.40    | 03/29/2024 |
| 2179                                      | EDWARD H. WOLF & SON'S INC  | 762252          | FUEL               | 03/25/2024   | 1,972.40    | 03/29/2024 |
| Total 10-53700-343 FUEL:                  |                             |                 |                    |              | 8,259.93    |            |
| <b>10-53700-344 OIL</b>                   |                             |                 |                    |              |             |            |
| 631                                       | FACTORY MOTOR PARTS         | 13-1722960      | OIL                | 03/18/2024   | 47.28       | 03/22/2024 |
| 631                                       | FACTORY MOTOR PARTS         | 13-1723065      | OIL                | 03/18/2024   | 128.88      | 03/22/2024 |
| 631                                       | FACTORY MOTOR PARTS         | 160-202973      | OIL                | 03/18/2024   | 30.72       | 03/22/2024 |
| 631                                       | FACTORY MOTOR PARTS         | 160-203199      | OIL                | 03/18/2024   | 47.28       | 03/22/2024 |
| Total 10-53700-344 OIL:                   |                             |                 |                    |              | 254.16      |            |
| <b>10-53700-346 MISC DPW SHOP TOOLS</b>   |                             |                 |                    |              |             |            |
| 2002                                      | MATCO TOOLS                 | 4598            | CABINET            | 03/25/2024   | 1,881.18    | 03/29/2024 |
| Total 10-53700-346 MISC DPW SHOP TOOLS:   |                             |                 |                    |              | 1,881.18    |            |
| <b>10-53800-220 GAS UTILITIES</b>         |                             |                 |                    |              |             |            |
| 536                                       | WE-ENERGIES                 | 2/23/2024       | 0702787382-00002   | 03/04/2024   | 839.98      | 03/08/2024 |
| Total 10-53800-220 GAS UTILITIES:         |                             |                 |                    |              | 839.98      |            |
| <b>10-53800-221 ELECTRIC UTILITIES</b>    |                             |                 |                    |              |             |            |
| 536                                       | WE-ENERGIES                 | 2/23/2024       | 0702787382-00002   | 03/04/2024   | 1,322.49    | 03/08/2024 |
| Total 10-53800-221 ELECTRIC UTILITIES:    |                             |                 |                    |              | 1,322.49    |            |
| <b>10-53800-222 TELEPHONE UTILITIES</b>   |                             |                 |                    |              |             |            |
| 5312                                      | AT & T- VILLAGE             | 02/22/2024      | 414 351-8900 758 7 | 03/05/2024   | 55.57       | 03/08/2024 |
| Total 10-53800-222 TELEPHONE UTILITIES:   |                             |                 |                    |              | 55.57       |            |
| <b>10-53800-223 WATER/SEWER UTILITIES</b> |                             |                 |                    |              |             |            |
| 186                                       | FOX POINT, VILLAGE OF - W/U | 11/01/23-2/1/24 | VH WATER AND SEWER | 03/05/2024   | 837.85      | 03/08/2024 |
| Total 10-53800-223 WATER/SEWER UTILITIES: |                             |                 |                    |              | 837.85      |            |
| <b>10-53800-224 CELL PHONES</b>           |                             |                 |                    |              |             |            |
| 57                                        | JPMORGAN CHASE BANK NA      | 03/12/2024      | APPLE              | 03/07/2024   | .99         | 03/08/2024 |
| 2136                                      | VERIZON WIRELESS            | 9958083688      | 787000169-00001    | 03/11/2024   | 17.52       | 03/15/2024 |
| 5312                                      | AT & T- VILLAGE             | 02152024        | 287334403697 VLG   | 02/28/2024   | 130.10      | 03/01/2024 |

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| Total 10-53800-224 CELL PHONES:              |                             |                 |                   |              | 148.61      |            |
| <b>10-53800-300 MISCELLANEOUS EXPENSE</b>    |                             |                 |                   |              |             |            |
| 1074                                         | MATHESON TRI-GAS, INC       | 52318809        | ACETYLENE         | 03/18/2024   | 45.55       | 03/22/2024 |
| 2241                                         | ITU ABSORB TECH, INC        | 8280875         | TOWELS/MATS       | 02/24/2024   | 217.52      | 03/01/2024 |
| 2241                                         | ITU ABSORB TECH, INC        | 8288872         | DPW               | 02/24/2024   | 27.73       | 03/01/2024 |
| 2241                                         | ITU ABSORB TECH, INC        | 8296936         | TOWELS/MATS       | 03/18/2024   | 217.52      | 03/22/2024 |
| Total 10-53800-300 MISCELLANEOUS EXPENSE:    |                             |                 |                   |              | 508.32      |            |
| <b>10-55200-435 PLAYGROUND MATERIALS</b>     |                             |                 |                   |              |             |            |
| 57                                           | JPMORGAN CHASE BANK NA      | 03/12/2024      | STATE CHEMIC      | 03/07/2024   | 878.96      | 03/08/2024 |
| 327                                          | MENARD'S - MILWAUKEE        | 83904           | SAND              | 03/21/2024   | 36.63       | 03/22/2024 |
| Total 10-55200-435 PLAYGROUND MATERIALS:     |                             |                 |                   |              | 915.59      |            |
| <b>10-55200-445 TENNIS COURT MAINTENANCE</b> |                             |                 |                   |              |             |            |
| 502                                          | VILLAGE HARDWARE - VH       | 236633/1        | TENNIS COURTS     | 02/27/2024   | 52.11       | 03/01/2024 |
| Total 10-55200-445 TENNIS COURT MAINTENANCE: |                             |                 |                   |              | 52.11       |            |
| <b>10-55400-430 LX CLUB MATERIALS</b>        |                             |                 |                   |              |             |            |
| 890                                          | FOX POINT BAYSIDE LX CLUB   | 2.22.24         | LX CLUB FEES      | 02/28/2024   | 200.00      | 03/01/2024 |
| 890                                          | FOX POINT BAYSIDE LX CLUB   | 2.26.24         | LX CLUB FEES      | 02/28/2024   | 60.78       | 03/01/2024 |
| Total 10-55400-430 LX CLUB MATERIALS:        |                             |                 |                   |              | 260.78      |            |
| <b>10-55440-220 GAS UTILITIES</b>            |                             |                 |                   |              |             |            |
| 536                                          | WE-ENERGIES                 | 03/11/2024      | 0702787382-00011  | 03/14/2024   | 451.37      | 03/15/2024 |
| Total 10-55440-220 GAS UTILITIES:            |                             |                 |                   |              | 451.37      |            |
| <b>10-55440-221 ELECTRIC UTILITIES</b>       |                             |                 |                   |              |             |            |
| 536                                          | WE-ENERGIES                 | 03/11/2024      | 0702787382-00010  | 03/14/2024   | 174.17      | 03/15/2024 |
| Total 10-55440-221 ELECTRIC UTILITIES:       |                             |                 |                   |              | 174.17      |            |
| <b>10-55440-450 SKATE RINK MATERIALS</b>     |                             |                 |                   |              |             |            |
| 186                                          | FOX POINT, VILLAGE OF - W/U | 11/01/23-2/1/24 | LONGACRE PAVILION | 03/05/2024   | 1,051.60    | 03/08/2024 |
| 186                                          | FOX POINT, VILLAGE OF - W/U | 11/01/23-2/1/24 | L ICE RINK        | 03/05/2024   | 117.93      | 03/08/2024 |
| 360                                          | NASSCO INC.                 | 6405416         | PAPERSUPPLIES     | 03/23/2024   | 342.29      | 03/29/2024 |
| 502                                          | VILLAGE HARDWARE - VH       | 23600/1         | CLEANER           | 03/08/2024   | 13.83       | 03/15/2024 |
| Total 10-55440-450 SKATE RINK MATERIALS:     |                             |                 |                   |              | 1,525.65    |            |
| <b>10-56100-125 FORESTRY CONSULTANT</b>      |                             |                 |                   |              |             |            |
| 5933                                         | WACHTEL TREE SCIENCE & SE   | 128626          | FORESTRY REQUESTS | 02/29/2024   | 3,781.25    | 03/08/2024 |
| Total 10-56100-125 FORESTRY CONSULTANT:      |                             |                 |                   |              | 3,781.25    |            |
| <b>10-56100-465 TREE MAINTENANCE</b>         |                             |                 |                   |              |             |            |
| 776                                          | GRAINGER, INC.              | 9033671141      | FORESTRY          | 03/06/2024   | 79.03       | 03/15/2024 |
| 1465                                         | GRAND ARBOR SUPPLY          | 75462           | CARBINER          | 03/05/2024   | 58.48       | 03/08/2024 |
| 2192                                         | EGELHOFF LAWN MOWER SER     | 319859          | SAW PARTS         | 02/23/2024   | 54.97       | 03/01/2024 |
| Total 10-56100-465 TREE MAINTENANCE:         |                             |                 |                   |              | 192.46      |            |



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| <b>21-71000-400 MATERIALS</b>                      |                          |                |                   |              |             |            |
| 281                                                | LINCOLN CONTRACTORS SUP  | 188427         | MARKING PAINT     | 03/07/2024   | 24.36       | 03/15/2024 |
| 1857                                               | PIONEER RESEARCH CORPOR  | 264844         | EN SLOV           | 03/19/2024   | 474.55      | 03/22/2024 |
| 2280                                               | PORT A JOHN              | 0448177        | PORT A JOHN       | 02/28/2024   | 138.00      | 03/08/2024 |
| Total 21-71000-400 MATERIALS:                      |                          |                |                   |              | 636.91      |            |
| <b>21-72000-220 GAS UTILITIES</b>                  |                          |                |                   |              |             |            |
| 536                                                | WE-ENERGIES              | 03/11/2024     | 0702787382-00004  | 03/14/2024   | 11.79       | 03/15/2024 |
| Total 21-72000-220 GAS UTILITIES:                  |                          |                |                   |              | 11.79       |            |
| <b>21-72000-221 ELECTRIC UTILITIES</b>             |                          |                |                   |              |             |            |
| 536                                                | WE-ENERGIES              | 03/11/2024     | 0702787382-00007  | 03/14/2024   | 34.99       | 03/15/2024 |
| 536                                                | WE-ENERGIES              | 03/11/2024     | 0702787382-00004  | 03/14/2024   | 244.16      | 03/15/2024 |
| Total 21-72000-221 ELECTRIC UTILITIES:             |                          |                |                   |              | 279.15      |            |
| <b>21-73000-228 HOUSEHOLD HAZARD WASTE</b>         |                          |                |                   |              |             |            |
| 280                                                | MMSD                     | H19000457      | HOUSEHOLD         | 12/31/2023   | 9,586.00    | 03/01/2024 |
| Total 21-73000-228 HOUSEHOLD HAZARD WASTE:         |                          |                |                   |              | 9,586.00    |            |
| <b>21-73000-310 SUPPLIES/EXPENSES</b>              |                          |                |                   |              |             |            |
| 1766                                               | CONFLUENCE GRAPHICS      | 80742          | WATERBILLS        | 03/04/2024   | 376.92      | 03/08/2024 |
| Total 21-73000-310 SUPPLIES/EXPENSES:              |                          |                |                   |              | 376.92      |            |
| <b>21-73000-400 MATERIALS</b>                      |                          |                |                   |              |             |            |
| 50                                                 | BADGER METER, INC.       | 80143097       | ORION             | 12/31/2023   | 76.06       | 03/01/2024 |
| 50                                                 | BADGER METER, INC.       | 80153745       | HOSTING SERV UNIT | 02/28/2024   | 75.97       | 03/08/2024 |
| 5312                                               | AT & T- VILLAGE          | 02152024       | 287334403697 VLG  | 02/28/2024   | 70.21       | 03/01/2024 |
| Total 21-73000-400 MATERIALS:                      |                          |                |                   |              | 222.24      |            |
| <b>21-74000-310 SUPPLIES/EXPENSES</b>              |                          |                |                   |              |             |            |
| 57                                                 | JPMORGAN CHASE BANK NA   | 03/12/2024     | MISC              | 03/07/2024   | 166.33      | 03/08/2024 |
| Total 21-74000-310 SUPPLIES/EXPENSES:              |                          |                |                   |              | 166.33      |            |
| <b>21-91000-575 PRIVATE LATERAL PROGRAM (MMSD)</b> |                          |                |                   |              |             |            |
| 256                                                | KAPUR & ASSOCIATES, INC. | 124011         | SANITARY          | 03/08/2024   | 1,050.00    | 03/15/2024 |
| 256                                                | KAPUR & ASSOCIATES, INC. | 124423         | LATERAL           | 03/27/2024   | 1,050.00    | 03/29/2024 |
| Total 21-91000-575 PRIVATE LATERAL PROGRAM (MMSD): |                          |                |                   |              | 2,100.00    |            |
| <b>21-91000-888 SEWER SYSTEM IMPROVEMENTS</b>      |                          |                |                   |              |             |            |
| 256                                                | KAPUR & ASSOCIATES, INC. | 124007         | SANITARY          | 03/08/2024   | 2,023.00    | 03/15/2024 |
| 256                                                | KAPUR & ASSOCIATES, INC. | 124010         | STORM SEWER       | 03/08/2024   | 4,125.00    | 03/15/2024 |
| 256                                                | KAPUR & ASSOCIATES, INC. | 124421         | SANITARY          | 03/27/2024   | 1,428.00    | 03/29/2024 |
| 256                                                | KAPUR & ASSOCIATES, INC. | 124439         | SANITARY          | 03/27/2024   | 675.00      | 03/29/2024 |
| 1015                                               | BRIDGETOWER OPCO, LLC    | 745674809      | BIDS/CONSTRUCTION | 03/08/2024   | 248.85      | 03/15/2024 |
| Total 21-91000-888 SEWER SYSTEM IMPROVEMENTS:      |                          |                |                   |              | 8,499.85    |            |
| <b>22-53650-210 CONTRACT SERVICES</b>              |                          |                |                   |              |             |            |
| 1299                                               | WASTE MANAGEMENT OF WI-M | IAC5265079     | RECYCLING         | 03/25/2024   | 2,805.87    | 03/29/2024 |

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| Total 22-53650-210 CONTRACT SERVICES:          |                             |                 |                      |              | 2,805.87    |            |
| <b>22-53800-210 CONTRACT SERVICES</b>          |                             |                 |                      |              |             |            |
| 535                                            | MUNICIPAL LAW & LITIGATION  | 11600           | VLG ATTORNEY         | 02/29/2024   | 60.00       | 03/01/2024 |
| Total 22-53800-210 CONTRACT SERVICES:          |                             |                 |                      |              | 60.00       |            |
| <b>22-53800-310 SUPPLIES/EXPENSES</b>          |                             |                 |                      |              |             |            |
| 5312                                           | AT & T- VILLAGE             | 02152024        | 287334403697 VLG     | 02/28/2024   | 39.85       | 03/01/2024 |
| Total 22-53800-310 SUPPLIES/EXPENSES:          |                             |                 |                      |              | 39.85       |            |
| <b>23-55420-220 GAS UTILITIES</b>              |                             |                 |                      |              |             |            |
| 536                                            | WE-ENERGIES                 | 03/11/2024      | 0702787382-00012     | 03/14/2024   | 10.89       | 03/15/2024 |
| Total 23-55420-220 GAS UTILITIES:              |                             |                 |                      |              | 10.89       |            |
| <b>23-55420-221 ELECTRIC UTILITIES</b>         |                             |                 |                      |              |             |            |
| 536                                            | WE-ENERGIES                 | 03/11/2024      | 0702787382-00012     | 03/14/2024   | 29.28       | 03/15/2024 |
| Total 23-55420-221 ELECTRIC UTILITIES:         |                             |                 |                      |              | 29.28       |            |
| <b>23-55420-223 WATER/SEWER UTILITIES</b>      |                             |                 |                      |              |             |            |
| 186                                            | FOX POINT, VILLAGE OF - W/U | 11/01/23-2/1/24 | POOL WATER AND SEWER | 03/05/2024   | 1,836.44    | 03/08/2024 |
| Total 23-55420-223 WATER/SEWER UTILITIES:      |                             |                 |                      |              | 1,836.44    |            |
| <b>23-55420-400 MATERIALS</b>                  |                             |                 |                      |              |             |            |
| 1440                                           | PARKITECTURE & PLANNING L   | 1-2024          | CONCEPTUAL DESIGN    | 03/06/2024   | 2,300.00    | 03/08/2024 |
| 1440                                           | PARKITECTURE & PLANNING L   | 2-2024          | CONCEPTUAL DESIGN    | 03/06/2024   | 1,840.00    | 03/08/2024 |
| Total 23-55420-400 MATERIALS:                  |                             |                 |                      |              | 4,140.00    |            |
| <b>24-44460 BUILDING PERMIT</b>                |                             |                 |                      |              |             |            |
| 2001                                           | KAROS, ART                  | 1.060032        | BUILDING PERMIT      | 03/21/2024   | 200.00      | 03/22/2024 |
| Total 24-44460 BUILDING PERMIT:                |                             |                 |                      |              | 200.00      |            |
| <b>24-52400-210 CONTRACT SERVICES</b>          |                             |                 |                      |              |             |            |
| 2647                                           | KWK ELECTRIC INC            | 31686           | INSPECTION           | 03/20/2024   | 80.00       | 03/29/2024 |
| Total 24-52400-210 CONTRACT SERVICES:          |                             |                 |                      |              | 80.00       |            |
| <b>24-52400-224 CELL PHONES</b>                |                             |                 |                      |              |             |            |
| 5312                                           | AT & T- VILLAGE             | 02152024        | 287334403697 VLG     | 02/28/2024   | 29.92       | 03/01/2024 |
| Total 24-52400-224 CELL PHONES:                |                             |                 |                      |              | 29.92       |            |
| <b>24-52400-321 PROFESSIONAL DUES/MEETINGS</b> |                             |                 |                      |              |             |            |
| 57                                             | JPMORGAN CHASE BANK NA      | 03/12/2024      | INSPECTOR            | 03/07/2024   | 50.00       | 03/08/2024 |
| Total 24-52400-321 PROFESSIONAL DUES/MEETINGS: |                             |                 |                      |              | 50.00       |            |
| <b>25-52400-397 PUBLIC EDUCATION PROGRAM</b>   |                             |                 |                      |              |             |            |
| 275                                            | LEAGUE OF WI MUNICIPALITIE  | 3.27.24         | STORMWATER GROUP     | 03/27/2024   | 250.00      | 03/29/2024 |

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| Total 25-52400-397 PUBLIC EDUCATION PROGRAM:  |                            |                |                   |              | 250.00      |            |
| <b>25-53410-400 MATERIALS</b>                 |                            |                |                   |              |             |            |
| 281                                           | LINCOLN CONTRACTORS SUP    | 188427         | MARKING PAINT     | 03/07/2024   | 24.36       | 03/15/2024 |
| Total 25-53410-400 MATERIALS:                 |                            |                |                   |              | 24.36       |            |
| <b>25-53800-210 CONTRACT SERVICES</b>         |                            |                |                   |              |             |            |
| 5312                                          | AT & T- VILLAGE            | 02152024       | 287334403697 VLG  | 02/28/2024   | 70.21       | 03/01/2024 |
| Total 25-53800-210 CONTRACT SERVICES:         |                            |                |                   |              | 70.21       |            |
| <b>25-55410-310 SUPPLIES/EXPENSES</b>         |                            |                |                   |              |             |            |
| 1766                                          | CONFLUENCE GRAPHICS        | 80742          | WATERBILLS        | 03/04/2024   | 376.92      | 03/08/2024 |
| Total 25-55410-310 SUPPLIES/EXPENSES:         |                            |                |                   |              | 376.92      |            |
| <b>25-91500-800 WPDES COMPLIANCE PROGRAM</b>  |                            |                |                   |              |             |            |
| 221                                           | PROPET DISTRIBUTORS INC.   | 145242         | DOG STATION       | 03/14/2024   | 929.40      | 03/15/2024 |
| 221                                           | PROPET DISTRIBUTORS INC.   | 145353         | DOG STATION       | 03/25/2024   | 933.60      | 03/29/2024 |
| Total 25-91500-800 WPDES COMPLIANCE PROGRAM:  |                            |                |                   |              | 1,863.00    |            |
| <b>25-91500-835 STORM SEWER SYSTEM (MISC)</b> |                            |                |                   |              |             |            |
| 474                                           | CORE & MAIN LP             | U432132        | GRATES/PARTS      | 03/18/2024   | 14,318.00   | 03/22/2024 |
| Total 25-91500-835 STORM SEWER SYSTEM (MISC): |                            |                |                   |              | 14,318.00   |            |
| <b>40-91100-818 TELEPHONE SYSTEM</b>          |                            |                |                   |              |             |            |
| 1602                                          | EXPAND COMMUNICATIONS LL   | vfp1201        | SYSTEM EQUIPMENT  | 03/14/2024   | 8,512.11    | 03/15/2024 |
| Total 40-91100-818 TELEPHONE SYSTEM:          |                            |                |                   |              | 8,512.11    |            |
| <b>40-91400-814 GARBAGE PACKER</b>            |                            |                |                   |              |             |            |
| 2000                                          | DAVES WELDING              | 64104          | FABRICATION       | 02/24/2024   | 1,379.20    | 03/01/2024 |
| Total 40-91400-814 GARBAGE PACKER:            |                            |                |                   |              | 1,379.20    |            |
| <b>40-91500-801 STREET RESURFACING</b>        |                            |                |                   |              |             |            |
| 256                                           | KAPUR & ASSOCIATES, INC.   | 124005         | LAKE DR           | 03/08/2024   | 6,736.31    | 03/15/2024 |
| 256                                           | KAPUR & ASSOCIATES, INC.   | 124013         | LAKE DR           | 03/08/2024   | 2,609.00    | 03/15/2024 |
| 535                                           | MUNICIPAL LAW & LITIGATION | 11600          | VLG ATTORNEY      | 02/29/2024   | 635.00      | 03/01/2024 |
| 1073                                          | WI DEPT. OF TRANSPORTATIO  | 395-0000342616 | DESIGN            | 03/08/2024   | 1,239.85    | 03/15/2024 |
| Total 40-91500-801 STREET RESURFACING:        |                            |                |                   |              | 11,220.16   |            |
| <b>40-91500-825 PROJECT MANAGEMENT</b>        |                            |                |                   |              |             |            |
| 256                                           | KAPUR & ASSOCIATES, INC.   | 124009         | GENERAL PROF      | 03/08/2024   | 925.00      | 03/15/2024 |
| Total 40-91500-825 PROJECT MANAGEMENT:        |                            |                |                   |              | 925.00      |            |
| <b>40-91600-800 STORMWATER ROAD PROJECT</b>   |                            |                |                   |              |             |            |
| 256                                           | KAPUR & ASSOCIATES, INC.   | 124008         | STORM SEWER       | 03/08/2024   | 6,985.00    | 03/15/2024 |
| 256                                           | KAPUR & ASSOCIATES, INC.   | 124010         | STORM SEWER       | 03/08/2024   | 4,125.00    | 03/15/2024 |
| 256                                           | KAPUR & ASSOCIATES, INC.   | 124422         | STORM SEWER       | 03/27/2024   | 3,750.00    | 03/29/2024 |
| 1015                                          | BRIDGETOWER OPCO, LLC      | 745674609      | BIDS/CONSTRUCTION | 03/08/2024   | 248.85      | 03/15/2024 |
| 1015                                          | BRIDGETOWER OPCO, LLC      | 745678133      | BIDS/CONSTRUCTION | 03/08/2024   | 541.80      | 03/15/2024 |

VILLAGE OF FOX POINT

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| Vendor                                            | Vendor Name               | Invoice Number | Description            | Invoice Date | Amount Paid | Date Paid  |
|---------------------------------------------------|---------------------------|----------------|------------------------|--------------|-------------|------------|
| Total 40-91600-800 STORMWATER ROAD PROJECT:       |                           |                |                        |              | 15,850.65   |            |
| <b>40-91600-830 SIGN REPLACEMENT</b>              |                           |                |                        |              |             |            |
| 1800                                              | MENARD'S - GERMANTOWN     | 62115          | MISC GENERAL           | 03/18/2024   | 501.26      | 03/22/2024 |
| 101644                                            | TAPCO                     | 1772329        | SIGNS                  | 03/05/2024   | 6,964.00    | 03/08/2024 |
| Total 40-91600-830 SIGN REPLACEMENT:              |                           |                |                        |              | 7,465.26    |            |
| <b>40-91600-833 TREE REPLACEMENT</b>              |                           |                |                        |              |             |            |
| 5933                                              | WACHTEL TREE SCIENCE & SE | 128625         | EAB                    | 02/29/2024   | 275.00      | 03/08/2024 |
| Total 40-91600-833 TREE REPLACEMENT:              |                           |                |                        |              | 275.00      |            |
| <b>40-91600-849 BEACH DRIVE-SHORELINE EROSION</b> |                           |                |                        |              |             |            |
| 2251                                              | MICHEL'S CORP             | pay app 11     | BEACH DR SHORELIN      | 03/27/2024   | 29,382.00   | 03/29/2024 |
| Total 40-91600-849 BEACH DRIVE-SHORELINE EROSION: |                           |                |                        |              | 29,382.00   |            |
| <b>40-91700-801 NSFD CAPITAL EXPENSE</b>          |                           |                |                        |              |             |            |
| 54                                                | NORTH SHORE FIRE DEPARTM  | 202415         | CAPITAL                | 03/07/2024   | 3,897.00    | 03/08/2024 |
| 54                                                | NORTH SHORE FIRE DEPARTM  | 202422         | CAPITAL RESOLUTION     | 03/07/2024   | 42,030.00   | 03/08/2024 |
| Total 40-91700-801 NSFD CAPITAL EXPENSE:          |                           |                |                        |              | 45,927.00   |            |
| <b>40-91700-802 NSFD EXPENSE 2010 AND BEYOND</b>  |                           |                |                        |              |             |            |
| 54                                                | NORTH SHORE FIRE DEPARTM  | 202415         | DEBT                   | 03/07/2024   | 16,755.00   | 03/08/2024 |
| Total 40-91700-802 NSFD EXPENSE 2010 AND BEYOND:  |                           |                |                        |              | 16,755.00   |            |
| <b>50-81000-601 SOURCE OF WATER SUPPLY</b>        |                           |                |                        |              |             |            |
| 378                                               | NORTH SHORE WATER COMMI   | 95             | MONTHLY                | 03/01/2024   | 22,939.74   | 03/01/2024 |
| Total 50-81000-601 SOURCE OF WATER SUPPLY:        |                           |                |                        |              | 22,939.74   |            |
| <b>50-81000-640 OPERATIONS LABOR WATER MAINS</b>  |                           |                |                        |              |             |            |
| 2839                                              | CITY WATER LLC            | 1073           | MONTHLY MANAGEMENT FEE | 03/11/2024   | 8,300.00    | 03/15/2024 |
| Total 50-81000-640 OPERATIONS LABOR WATER MAINS:  |                           |                |                        |              | 6,300.00    |            |
| <b>50-81000-641 OPERATIONS SUPPLY AND EXPENSE</b> |                           |                |                        |              |             |            |
| 57                                                | JPMORGAN CHASE BANK NA    | 03/12/2024     | WATER DEPT             | 03/07/2024   | 66.40       | 03/08/2024 |
| 57                                                | JPMORGAN CHASE BANK NA    | 03/12/2024     | WATER DEPT             | 03/07/2024   | 14.66       | 03/08/2024 |
| 57                                                | JPMORGAN CHASE BANK NA    | 03/12/2024     | WATER DEPT             | 03/07/2024   | 85.94       | 03/08/2024 |
| 57                                                | JPMORGAN CHASE BANK NA    | 03/12/2024     | WATER DEPT             | 03/07/2024   | 87.24       | 03/08/2024 |
| Total 50-81000-641 OPERATIONS SUPPLY AND EXPENSE: |                           |                |                        |              | 253.94      |            |
| <b>50-81000-651 MAINTENANCE OF MAINS</b>          |                           |                |                        |              |             |            |
| 281                                               | LINCOLN CONTRACTORS SUP   | 188427         | MARKING PAINT          | 03/07/2024   | 24.36       | 03/15/2024 |
| 458                                               | SHERWIN INDUSTRIES, INC.  | SC051853       | FIBER BULK             | 02/26/2024   | 1,258.76    | 03/01/2024 |
| 474                                               | CORE & MAIN LP            | U356417        | PARTS                  | 02/12/2024   | 3,781.56    | 03/08/2024 |
| 474                                               | CORE & MAIN LP            | U517059        | REP CLP                | 03/12/2024   | 1,032.30    | 03/22/2024 |
| 1179                                              | MILWAUKEE RUBBER PRODUC   | 0115835-IN     | COUPLERS               | 02/24/2024   | 114.90      | 03/01/2024 |
| 1766                                              | CONFLUENCE GRAPHICS       | 80805          | HANGERS/POSTCARDS      | 03/18/2024   | 350.08      | 03/22/2024 |
| 2241                                              | ITU ABSORB TECH, INC      | 8280874        | WATER                  | 02/24/2024   | 46.53       | 03/01/2024 |
| 2241                                              | ITU ABSORB TECH, INC      | 8288871        | WATER DEPT             | 02/24/2024   | 8.60        | 03/01/2024 |
| 2241                                              | ITU ABSORB TECH, INC      | 8296935        | WATER                  | 03/18/2024   | 46.53       | 03/22/2024 |

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| Vendor                                            | Vendor Name                | Invoice Number | Description           | Invoice Date | Amount Paid | Date Paid  |
|---------------------------------------------------|----------------------------|----------------|-----------------------|--------------|-------------|------------|
| 101806                                            | USA BLUEBOOK               | INV00299292    | PARTS                 | 03/07/2024   | 215.48      | 03/22/2024 |
| Total 50-81000-651 MAINTENANCE OF MAINS:          |                            |                |                       |              | 6,880.12    |            |
| <b>50-81000-800 CAPITAL OUTLAY</b>                |                            |                |                       |              |             |            |
| 39                                                | RUEKERT MIELKE, INC.       | 150265         | ROAD WATER MAIN RELAY | 03/08/2024   | 366.00      | 03/15/2024 |
| 256                                               | KAPUR & ASSOCIATES, INC.   | 124436         | NOKOMIS               | 03/27/2024   | 8,086.70    | 03/29/2024 |
| 535                                               | MUNICIPAL LAW & LITIGATION | 11600          | VLG ATTORNEY          | 02/29/2024   | 30.00       | 03/01/2024 |
| 1015                                              | BRIDGETOWER OPCO, LLC      | 745881718      | PUBLIC NOTICE         | 03/27/2024   | 484.68      | 03/29/2024 |
| Total 50-81000-800 CAPITAL OUTLAY:                |                            |                |                       |              | 8,977.38    |            |
| <b>50-81000-903 SUPPLIES AND EXPENSE</b>          |                            |                |                       |              |             |            |
| 50                                                | BADGER METER, INC.         | 80143097       | ORION                 | 12/31/2023   | 76.08       | 03/01/2024 |
| 50                                                | BADGER METER, INC.         | 80153745       | HOSTING SERV UNIT     | 02/28/2024   | 75.97       | 03/08/2024 |
| Total 50-81000-903 SUPPLIES AND EXPENSE:          |                            |                |                       |              | 152.03      |            |
| <b>50-81000-921 OFFICE SUPPLIES AND EXPENSE</b>   |                            |                |                       |              |             |            |
| 57                                                | JPMORGAN CHASE BANK NA     | 03/12/2024     | APPLE                 | 03/07/2024   | .99         | 03/08/2024 |
| 1766                                              | CONFLUENCE GRAPHICS        | 80742          | WATERBILLS            | 03/04/2024   | 376.91      | 03/08/2024 |
| 2136                                              | VERIZON WIRELESS           | 9958083688     | 787000169-00001       | 03/11/2024   | 17.52       | 03/15/2024 |
| 5312                                              | AT & T- VILLAGE            | 02152024       | 287334403687 VLG      | 02/28/2024   | 132.73      | 03/01/2024 |
| Total 50-81000-921 OFFICE SUPPLIES AND EXPENSE:   |                            |                |                       |              | 528.15      |            |
| <b>50-81000-928 REGULATORY COMMISSION EXPENSE</b> |                            |                |                       |              |             |            |
| 175                                               | PUBLIC SERVICE COMM. OF WI | RA24-1-02090   | ADVANCED ASSESSMENT   | 12/31/2023   | 1,677.69    | 03/22/2024 |
| Total 50-81000-928 REGULATORY COMMISSION EXPENSE: |                            |                |                       |              | 1,677.69    |            |
| <b>50-81000-930 MISC GENERAL EXPENSE</b>          |                            |                |                       |              |             |            |
| 57                                                | JPMORGAN CHASE BANK NA     | 03/12/2024     | WATER DEPT            | 03/07/2024   | 166.34      | 03/08/2024 |
| 1656                                              | STAKING UNIVERSITY         | 11941          | 5 DAY CLASS           | 03/11/2024   | 2,495.00    | 03/15/2024 |
| Total 50-81000-930 MISC GENERAL EXPENSE:          |                            |                |                       |              | 2,661.34    |            |
| <b>70-12100 TAXES RECEIVABLES</b>                 |                            |                |                       |              |             |            |
| 358                                               | FISHER-ISAACS, KIM M       | 35226          | OVERPAYMENT TAXES     | 02/29/2024   | 26.17       | 03/01/2024 |
| Total 70-12100 TAXES RECEIVABLES:                 |                            |                |                       |              | 26.17       |            |
| Grand Totals:                                     |                            |                |                       |              | 707,739.06  |            |

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| Vendor | Vendor Name | Invoice Number | Description | Invoice Date | Amount Paid | Date Paid |
|--------|-------------|----------------|-------------|--------------|-------------|-----------|
|--------|-------------|----------------|-------------|--------------|-------------|-----------|

Date Approved: \_\_\_\_\_

Village Manager: \_\_\_\_\_

Village Board: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_





## VILLAGE OF FOX POINT APPLICATION FOR CONDITIONAL USE PERMIT

### Section 1

|                                                                                   |                                         |                                  |
|-----------------------------------------------------------------------------------|-----------------------------------------|----------------------------------|
| Name of Business<br><b>The Town Club</b>                                          | Phone #<br><b>414-352-6800</b>          | Name of former tenant (if known) |
| Fox Point Business Address<br><b>7950 N Santa Monica Blvd, Fox Point WI 53217</b> |                                         |                                  |
| Email<br><b>abby@thetownclub.com</b>                                              | Contact Person<br><b>Abby Schroeder</b> |                                  |

*If the business is a corporation, complete the following section. If not, skip to next section.*

### Section 2

|                                                                                                                                                                                                                                                                                                               |                                                                                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| Legal name of corporation<br><b>The Town Club</b>                                                                                                                                                                                                                                                             | Corporate email<br><b>abby@thetownclub.com</b>                                    |
| Corporate headquarters address<br><b>7950 N Santa Monica Blvd, Fox Point WI 53217</b>                                                                                                                                                                                                                         | Corporate phone #<br><b>414-352-6800</b>                                          |
| Name and addresses of all corporate officers<br><b>Ryan Savage; President; 7950 N Santa Monica Blvd, Fox Point WI 53217</b><br><b>Peter Klug; Vice President; 7950 N Santa Monica Blvd, Fox Point WI 53217</b><br><b>Mitchel Cox; Secretary &amp; Treasurer; 7950 N Santa Monica Blvd, Fox Point WI 53217</b> |                                                                                   |
| Name of corporate agent<br><b>Abby Schroeder</b>                                                                                                                                                                                                                                                              | Address of corporate agent<br><b>7950 N Santa Monica Blvd, Fox Point WI 53217</b> |

*If applicant(s) is an individual or partnership, please complete the following section.*

### Section 3

| List the name, home address, business address, and phone numbers of all applicants and owners. |              |                  |         |
|------------------------------------------------------------------------------------------------|--------------|------------------|---------|
| Name                                                                                           | Home address | Business address | Phone # |
|                                                                                                |              |                  |         |
|                                                                                                |              |                  |         |
|                                                                                                |              |                  |         |
|                                                                                                |              |                  |         |
|                                                                                                |              |                  |         |

*All applicants must complete the following section.*

### Section 4

|                                                                                                                                                                                                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Applicant's specific interest in site<br><b>Owner of site</b>                                                                                                                                                             |
| Describe in detail the business activity that will take place on site including products & services<br><b>Pickle Ball; Matches between members, lessons with racket sports professionals, club leagues, social mixers</b> |

|                                                                                                                                                                                                                                                                                                  |                     |                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|--------------------------------------|
| Describe all <b>owned</b> fixtures, furniture, and equipment to be used on site<br>nets, fences, court surface, ball machines                                                                                                                                                                    |                     |                                      |
| Describe all <b>leased</b> fixtures, furniture, and equipment to be used on site                                                                                                                                                                                                                 |                     |                                      |
| Describe any alterations planned for the site and estimated cost of renovation<br>following resurfacing of courts will re-stripe for pickleball, will add fixed pickle ball nets, will add 40" internal fences to separate courts, will run electrical conduit to have outlets for ball machines |                     |                                      |
| Person responsible for obtaining building permit (if required)<br>Bob Fetherston                                                                                                                                                                                                                 |                     |                                      |
| Square footage of site<br>19,920                                                                                                                                                                                                                                                                 | # of employees<br>1 | # of parking spaces to be used<br>24 |
| Days & hours of operation<br>Monday-Sunday 8am-dusk                                                                                                                                                                                                                                              |                     | Proposed date of occupancy           |

Attach a site plan to this application (see Directions for Conditional Use Permit). Site plan must include a layout of the inside of the store.

This application must be fully completed to be considered by the Village.

Fee: \$300.00 (non-refundable)

  
Business Owner Signature

Ryan Savage  
Printed Name

11/20/23  
Date

VILLAGE OF FOX POINT  
APPLICATION FOR CONDITIONAL USE PERMIT

FOR OFFICE USE ONLY

Has sufficient site plan been submitted? (If not, what is needed?) \_\_\_\_\_

What is the category of proposed use? CLUB MA 11-22-23

Does the parking meet code requirements? The Town Club has a previous

conditional use permit for tennis at the site & it appears the

Is there proper exterior lighting? parking and lighting have been previously

addressed and approved - SB 11/27/23

Are there any existing code violations? LOT 1 & 2 NEED TO BE COMBINED, MA 11-29-23

Additional Comments? \_\_\_\_\_

Letter of Consent received from owner? \_\_\_\_\_

Comments/Date

Date application/materials received: 11-21-2023

Fee Paid: 11-21-2023 Receipt No. 1.059709

STATE OF WISCONSIN

VILLAGE OF FOX POINT

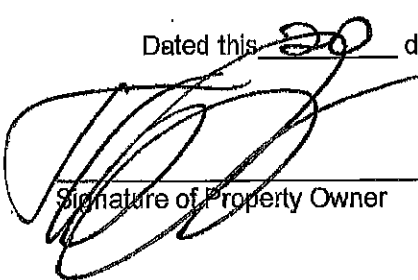
MILWAUKEE COUNTY

## NOTICE

PLEASE BE ADVISED: Chapter 67, Article III of the Village of Fox Point Village Code is attached hereto and incorporated herein. Pursuant to this Ordinance, the Village of Fox Point Village Board has determined that whenever the services of the Village Attorney, Village Engineer, Village Forester or any other of the Village's professional staff (internal or independently contracted) results in a charge to the Village for that professional's time and services and such service is not a service supplied to the Village as a whole, the Village Treasurer shall charge the property owner for the fees incurred by the Village. Also be advised that pursuant to the Village of Fox Point Municipal Code certain other fees, costs and charges are the responsibility of the property owner making application to the Village.

I, the undersigned, have been advised that, pursuant to the Village Fox Point Village Code, if the Village Attorney, Village Engineer, Village Forester or any other Village professional (internal or independently contracted) provides services to the Village as a result of my activities, whether at my request or at the request of the Village, I shall be responsible for the fees incurred by the Village. Also I have been advised that pursuant to the Village of Fox Point Village code certain other fees, costs and charges are my responsibility.

Dated this 20 day of November, 2023

  
\_\_\_\_\_  
Signature of Property Owner

  
\_\_\_\_\_  
Name of Property Owner - PRINTED

Mailing Address of Property Owner:

7950 N. Santa Monica Blvd  
Fox Point WI 53217  
\_\_\_\_\_

Tax Key No. of Property:

\_\_\_\_\_

Address of Property:

7950 N. Santa Monica Blvd  
\_\_\_\_\_  
Fox Point, WI 53217

**For Village Use Only:**

- ☐ Original kept on file with Village Clerk.
- ☐ Copy provided to Property Owner.

Signature: \_\_\_\_\_

### Conditional Use Order

WHEREAS, an application has been filed by **The Town Club** (hereinafter "Applicant"); and

WHEREAS, the Applicant is requesting that a conditional use permit be granted pursuant to the Zoning Ordinance of the Village of Fox Point for land described as **7950 N Santa Monica Blvd., Fox Point, Wisconsin.**

NOW, THEREFORE, the Village of Fox Point Village Board, upon consideration of thoughts expressed by all persons heard at the Village Board meeting in this matter, upon consideration of the recommendation from the Plan Commission, and following all necessary study and investigation, having given the matter due consideration, hereby ORDERS AS FOLLOWS: Commencing upon the date hereof, the Applicant is hereby granted a conditional use permit, subject to initial and continued compliance with each and every one of the following conditions, restrictions and limitations.

1. **Use Restricted.** **The Town Club will provide Pickle Ball; matches between members, lessons with racket sports professionals, club leagues, and social mixers. The hours of operation shall be limited to 8:00 a.m. until dusk, Monday through Sunday, unless additional hours are approved in writing by the Village Manager.**
2. **Presentation Compliance.** All of the Applicant's plans, specifications, terms and representations as submitted with the application, or in support thereof, or as represented to the Village Board in the course of the approval process, are specifically incorporated herein and made a part hereof by reference, and the use of the subject property shall be in substantial conformance with the same except as further restricted or modified herein.
3. **Not Transferable.** This conditional use permit is granted to the Applicant and shall not be transferred or assigned without the Village Board's prior written consent, which may only be granted following the Village Board's receipt of a recommendation from the Plan Commission.
4. **Applicant and Owner Agreement.** As a condition precedent to the issuance of the conditional use permit, the owner of the Subject Property shall approve the issuance of this conditional use permit upon the terms and conditions described herein in writing, and the Applicant is required to accept the terms and conditions of the same in its entirety in writing.
5. **Other Uses Prohibited.** Any use not specifically listed as permitted shall be considered to be prohibited except as may be otherwise specifically provided herein. In case of a question as to whether a use is permitted, the question shall be submitted to the Plan Commission for recommendation to the Village Board, and then to the Village Board for determination.
6. **No Nuisances, and Compliance with Applicable Laws.** No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in this order shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption or exception to any law, ordinance, order or rule of either the municipal governing body, the County of Milwaukee, the State of Wisconsin, the United States of America or other duly constituted authority, except only to the extent that it authorizes the use of the subject property above described in any specific respects described herein. This order shall not be deemed to constitute a building permit, nor shall this order constitute any other license or permit required by Village ordinance or other law.
7. **Subject Property Only.** This conditional use hereby authorized shall be confined to the Subject Property described, without extension or expansion other than as noted herein.
8. **Abandonment.** Should the permitted conditional use be abandoned in any manner, or discontinued in use for twelve (12) months, or continued other than in strict conformity with the conditions of the original approval, or should the Applicant be delinquent in payment of any monies due and owing to the Village, or should a change in the character of the surrounding area or the use itself cause it to be no longer compatible with the surrounding area or for similar cause based upon consideration of public health, safety or welfare, the conditional use may be terminated by action of the Village Board following receipt of a recommendation from the Plan Commission and after the Village Board holds a public hearing in the matter.
9. **Amendments.** Any change, addition, modification, alteration and/or amendment of any aspect of

this conditional use, including but not limited to an addition, modification, alteration, and/or amendment to the use, premises (including but not limited to any change to the boundary limits of the Subject Property), structures, lands or owners, other than as specifically authorized herein, shall require a new permit and all procedures in place at the time must be followed.

10. Plan Amendments. Unless this conditional use permit expressly states otherwise, plans that are specifically required by this conditional use order may be amended (a) without separate approval in the limited circumstances described in Section 14.19(11) of the Village Code; or (b) by the Village Board upon receipt of a recommendation from the Plan Commission if the Village Board finds the plan amendment to be minor and consistent with the conditional use permit. Any change in any plan that the Village Board, in its sole discretion, finds to be substantial shall require a new permit, and all procedures in place at the time must be followed.
11. Severability. Should any paragraph or phrase of this conditional use permit be determined by a Court to be unlawful, illegal or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the conditional use and the remainder shall continue in full force and effect.
12. Most Restrictive Applies. If any aspect of this conditional use permit or any aspect of any plan contemplated and approved under this conditional use is in conflict with any other aspect of the conditional use or any aspect of any plan of the conditional use, the more restrictive provision shall be controlling as determined by the Plan Commission.
13. Prior Conditional Use Permits Terminated. Unless stated otherwise herein or in the documents incorporated herein, all conditional use permits previously granted for the Subject Property, if any, shall be automatically terminated without further action of the Village Board immediately following full satisfaction of all condition's precedent to this conditional use order taking effect.
14. Payment of fees. Applicant shall, on demand, reimburse the Village for all costs and expenses of any type that the Village incurs in connection with this conditional use order including the cost of professional services incurred by the Village (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional use order due to a violation of these conditions.
15. Payment of Taxes and Charges. Any unpaid bills owed to the Village by the Subject Property Owner or his or her tenants, operators or occupants, for reimbursement of professional fees; or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Village; shall be placed upon the tax roll for the Subject Property if not paid within thirty (30) days of billing by the Village, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional use order, that is subject to all remedies available to the Village, including possible cause for termination of the conditional use order.
16. Conditions Shown in Minutes Incorporated. All conditions of approval imposed by duly adopted motion of the Village Board in its consideration of the Applicant's application, as noted in the Minutes of the Village Board meeting at which approval was granted, are specifically incorporated herein by reference.
17. The Applicant is obligated to file with the Village Clerk a current mailing address and current phone number at which the Applicant can be reached, which must be continually updated by the Applicant if such contact information should change, for the duration of this conditional use. If the Applicant fails to maintain such current contact information the Applicant thereby automatically waives notice of any proceedings that may be commenced under this conditional approval, including proceedings to terminate this conditional use.



Let copies of this order be filed in the permanent records of the Village Board for the Village of Fox Point, and let copies be sent to the proper Village of Fox Point authorities and the Applicant and Owner.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2023, *nunc pro tunc* the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

BY THE FOX POINT VILLAGE BOARD:

\_\_\_\_\_  
Christine Symchych, Village President

Attest:

\_\_\_\_\_  
Kelly A. Meyer, CMC/WCMC, Village Clerk/Treasurer

#### APPROVAL

I hereby approve the issuance of this Conditional Use Permit to the Applicant on the terms and conditions described herein.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
SUBJECT PROPERTY OWNER

By: \_\_\_\_\_  
Authorized Signatory

Title: \_\_\_\_\_

#### ACCEPTANCE

I hereby accept the terms and conditions of this Conditional Use in its entirety.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

APPLICANT:

By: \_\_\_\_\_  
Authorized Signatory

Title: \_\_\_\_\_



**MUNSON, INC.**

www.munsoninc.com

Asphalt & Concrete Services  
Chain Link & Ornamental Fence  
Tennis Court Construction

6747 N. SIDNEY PLACE  
GLENDALE, WI 53209

(414) 351-0800  
(800) 236-0340

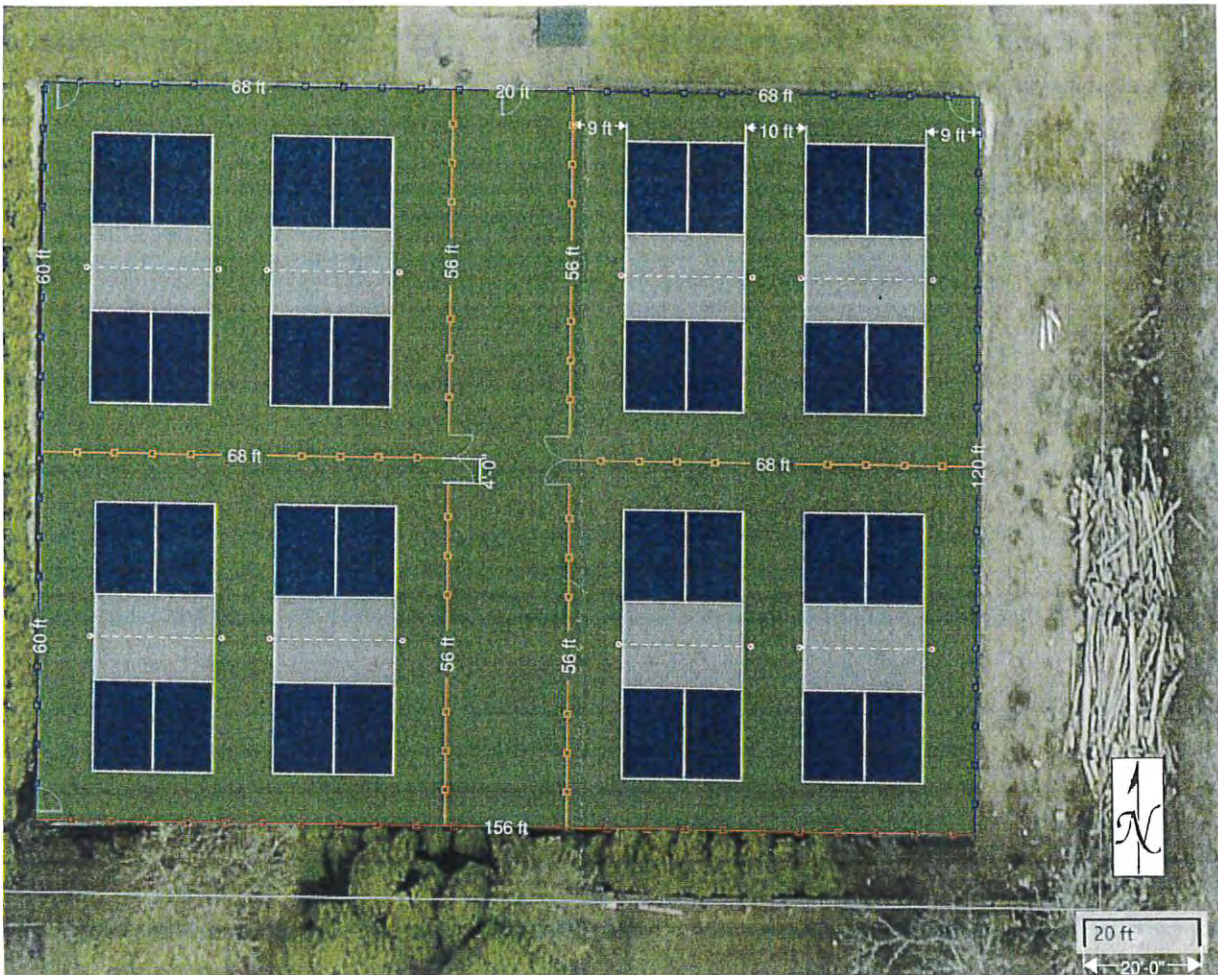


**THE TOWN CLUB**  
7950 N. SANTA MONICA BLVD.  
MILWAUKEE, WI 53217  
**PICKLEBALL COURT RECONSTRUCTION**

**COURT  
SITE PLAN**

Date: 08/08/2023

Drawn by: K. Meerdink



THESE SPECIFICATIONS & DRAWINGS ARE PROPERTY OF MUNSON-ARMSTRONG PAVING DIV. & MAY NOT BE REPRODUCED, COPIED OR USED FOR COMPETITIVE BIDS WITHOUT PRIOR WRITTEN PERMISSION



|                                                                                   |                 |
|-----------------------------------------------------------------------------------|-----------------|
|  | 4'H Chain Link  |
|  | 4'W Swing Gate  |
|  | 10'H Chain Link |
|  | 12'H Chain Link |



**MUNSON, INC.**

[www.munsoninc.com](http://www.munsoninc.com)

Asphalt & Concrete Services  
Chain Link & Ornamental Fence  
Tennis Court Construction

6747 N. SIDNEY PLACE  
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**THE TOWN CLUB**  
7950 N. SANTA MONICA BLVD.  
MILWAUKEE, WI 53217  
**PICKLEBALL COURT RECONSTRUCTION**

**COURT  
SITE PLAN**

Date: 08/08/2023

Drawn by: K. Meerdink

THESE SPECIFICATIONS & DRAWINGS ARE PROPERTY OF MUNSON-ARMSTRONG PAVING DIV. & MAY NOT BE REPRODUCED, COPIED OR USED FOR COMPETITIVE BIDS WITHOUT PRIOR WRITTEN PERMISSION

VILLAGE OF FOX POINT  
7200 N. SANTA MONICA BLVD  
FOX POINT WI 53217

414-351-8800

Receipt No: 1.050709

Nov 21, 2023

7850 N Santa Monica Blvd

|                                             |        |
|---------------------------------------------|--------|
| Previous Balance;                           | .00    |
| LICENSES & PERMITS - CONDITIONAL USE PERMIT | 300.00 |
| 24-44550 CONDITIONAL USE PERMIT             |        |

|        |        |
|--------|--------|
| Total: | 300.00 |
|--------|--------|

|                      |                 |        |
|----------------------|-----------------|--------|
| CHECK                | Check No: 34046 | 300.00 |
| Payor: The Town Club |                 |        |

|                |        |
|----------------|--------|
| Total Applied: | 300.00 |
|----------------|--------|

|                  |     |
|------------------|-----|
| Change Tendered: | .00 |
|------------------|-----|

Duplicate Copy

11/21/2023 12:45 PM



## VILLAGE OF FOX POINT

MILWAUKEE COUNTY  
WISCONSIN

VILLAGE HALL  
7200 N. SANTA MONICA BLVD.  
FOX POINT WI 53217-3505  
414-351-8900  
FAX 414-351-8900  
[www.villageoffoxpoint.com](http://www.villageoffoxpoint.com)

### APPLICATION FOR CONDITIONAL USE PERMIT DIRECTIONS

#### GENERAL INFORMATION:

All new businesses locating in an area zoned D-Business must apply for a Conditional Use Permit under Section 745-18D of the Village Code. Certain exceptions apply, see Section 745-18C of the Village Code (located on the Village website).

Changes in ownership, changes in use, changes in operations, changes in permitted conditions, alterations, and relocations within the Village to businesses with existing Conditional Use Permits may necessitate obtaining an amended Conditional Use Permit.

#### TO APPLY FOR A PERMIT:

1. Complete all the information on the attached application. Please type or print. Attach additional pages if necessary. **Applications with incomplete information will not be accepted.**
2. All materials must be submitted on 8.5" x 11" paper. If larger scale plans are necessary for clarity, please bring to the Plan Commission meeting. (**Note:** All documents submitted will be in copied in black and white.)
3. A \$300 non-refundable fee must accompany this application.
4. A letter of approval from the owner of the property must accompany this application, unless the applicant is the owner. The letter should be:
  - on the owner's letterhead including the owner's original signature,
  - addressed to the Village, and
  - reference the proposed address and name of the business.

The Village will not entertain any requests without the written consent of the owners.

5. A signed Charge Back Form as described in Chapter 67, Article III of the Village Code must accompany this application.
6. The application and one set of the site plans and all related materials must be submitted by **4:00 pm on the second Wednesday** prior to the Plan Commission meeting.
7. Completed applications will be submitted by staff to the Plan Commission for consideration. The Plan Commission meets on the first Monday of each month at 5:45 p.m. PLEASE NOTE: Applicants are required to attend the Plan Commission meeting to discuss their Application.
8. The Village Board will consider the Plan Commission's recommendation at the Board meeting on the second Tuesday of the month at 7:00 p.m. Applicants should also plan to attend the Village Board meeting.
9. The owner is responsible for obtaining other necessary permits and/or approvals, including but not limited to, the North Shore Fire Department's Plan Review and Submittal Requirements.

**-APPLICATION FOR NEW BUILDING OR BUILDING ADDITION - SEE PAGE 2 OF DIRECTIONS-**

VILLAGE OF FOX POINT  
APPLICATION FOR CONDITIONAL USE PERMIT

PAGE 2

**NOTE:** The following information must be submitted for Village approval when proposing a new building or building addition:

1. Description of the project
2. Landscape plan
3. Plat of survey
4. Parking plan (including parking computations) per Chapter 14 of the Fox Point Village Code
5. Drainage plan (including drainage computations)
6. Lighting plan (including photometrics)
7. Traffic plan
8. Proposed location and connection to the sanitary sewer and water mains
9. All elevations
10. Floor plans
11. Any additional information as determined by Village staff



# MunicipalLAW

& LITIGATION GROUP

DALE W. ARENZ – 1935-2022  
DONALD S. MOLTER, Jr. - Retired  
JOHN P. MACY  
H. STANLEY RIFFLE - Court Commissioner  
ERIC J. LARSON  
REMZY D. BITAR

730 N. GRAND AVENUE  
WAUKESHA, WISCONSIN 53186  
Telephone (262) 548-1340  
Direct (262) 806-0215  
Facsimile (262) 548-9211  
Email: [elarson@ammr.net](mailto:elarson@ammr.net)

PAUL E. ALEXY  
MATTEO REGINATO  
LUKE A. MARTELL  
SAMANTHA R. SCHMID  
CHRISTOPHER R. SCHULTZ  
LUCAS C. LOGIC  
BENJAMIN T. CROCKETT  
GREGORY M. PROCOPIO  
ADAM J. MEYERS  
-----  
STEPHEN J. CENTINARIO, JR.  
MICHAEL J. MORSE  
JAMES P. WALSH

September 19, 2023

Scott Botcher, Village Manager  
Village of Fox Point  
7200 N Santa Monica Blvd.  
Fox Point, WI 53217

**Re: Merger of Title  
Legal Analysis**

Dear Mr. Botcher:

I understand that a corporate entity located in the Institutional District in the Village for many years has conducted recreational operations on two adjacent parcels, as follows. One of the parcels contains only recreational facilities (tennis courts) with no principal building or use, while the adjacent parcel is improved with a principal building and use. The two adjacent parcels have been used as a single operation for decades. I understand the entity is planning to modify its current use of the recreational use parcel, triggering a review under Section 745-10 of the Village Code. A question has been raised of whether the two parcels should be combined. You asked for my thoughts. I have had an opportunity to carefully consider this matter.

Based upon my review, I recommend that the parcels should be combined. I reach this conclusion as follows:

1. Accessory Use. Section 745-10 D. of the Village Code says the use is *accessory* in the Institutional district where these parcels are located:

*Private commercial facilities. Such facilities may be permitted in an Institutional District as an accessory use, and in a "D" Business or "E" Semi-Business District as a principal or accessory use subject to the procedure hereinafter set forth.*

As an accessory use, it cannot be permitted on the parcel unless the parcel also has a principal use.

2. Past Laws: Merger of Title. Prior to 2017 Wisconsin Act 67, we took the position, as did municipalities throughout the country, that adjacent lots owned in common and used as a single operation "merged" together to form a single lot in many circumstances. Under that interpretation, the two adjacent parcels at issue here would have been owned and regulated as one lot. My office litigated this issue

**MUNICIPAL LAW & LITIGATION GROUP, S.C.**

Scott Botcher  
September 19, 2023  
Page 2

and received confirmation of the merger of title doctrine from the U.S. Supreme Court, in *Murr v. Wisconsin*, 582 U.S. 383, 137 S.Ct. 1933 (2017).

3. Current Laws: Merger of Title is Prohibited. As a reaction to the *Murr* decision, Wisconsin Act 67 removed the ability of municipalities to treat the adjacent parcels as one lot. The law now says:

*Merging. Notwithstanding the authority granted under ss. 59.69, 60.61, 60.62, 61.35, and 62.23, no political subdivision may enact or enforce an ordinance or take any other action that requires one or more lots to be merged with another lot, for any purpose, without the consent of the owners of the lots that are to be merged. (66.10015(4), Wis. Stats.)*

Moreover, even if one of the adjacent parcels is legal nonconforming, municipalities are prohibited from preventing separate conveyance and development of the parcels that had been used together:

*Notwithstanding any other law or rule, or any action or proceeding under the common law, no political subdivision may enact or enforce an ordinance or take any other action that prohibits a property owner from doing any of the following:*

1. Conveying an ownership interest in a substandard lot.
  2. Using a substandard lot as a building site if all of the following apply:
    - a. The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
    - b. The substandard lot or parcel is developed to comply with all other ordinances of the political subdivision.
- (66.10015(2)(e), Wis. Stats.)*

4. Conclusion: While formerly the two adjacent parcels at issue here could be regulated as one lot, that is no longer the case. Under current law, they are two separate lots that have not merged. If one of the parcels will have only an accessory use, under current law it must be combined with the adjacent lot that contains the principal use.

If you have any questions or concerns in this regard, please do not hesitate to contact me.  
Very truly yours,

MUNICIPAL LAW & LITIGATION GROUP, S.C.

*Eric J. Larson*

Eric J. Larson

EJL/em

cc: Kelly Meyer, Village Clerk  
Kevin Ausman, Assistant Village Manager



## VILLAGE OF FOX POINT

MILWAUKEE COUNTY  
WISCONSIN

VILLAGE HALL  
7200 N. SANTA MONICA BLVD.  
FOX POINT 53217-3505  
414-351-8900  
FAX 414-351-8909

**To:** Village of Fox Point Plan Commission  
**From:** Scott Brandmeier, Director of Public Works *SB*  
**Through:** Scott Botcher, Village Manager *SB*  
**Date:** November 30, 2023  
**Re:** Land Combination – 7950 North Santa Monica

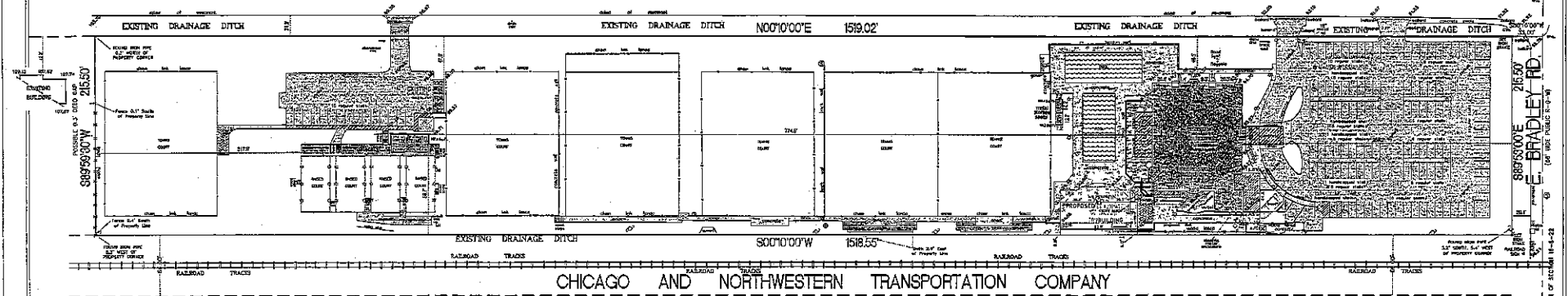
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An application was submitted by the Town Club to combine two parcels at 7950 North Santa Monica Boulevard (Tax Key Numbers 0929991000 and 0929980000) into one parcel. The Applicant is requesting that the two parcels as shown on the Plat of Survey be combined and that one lot be created as shown on the Certified Survey Map (CSM). The Applicant has submitted this application in accordance with Section 738 of the Village Code.

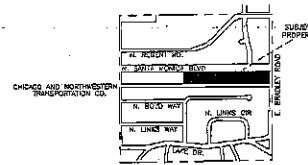
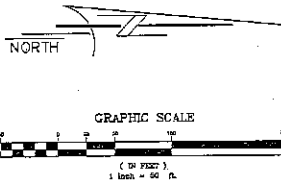
Based upon correspondence from the Village Attorney, it is my understanding that the application requires a filing fee (\$300) and the appropriate CSM but does not require an appraisal, as it is a land combination, nor notice to property owners within 500 feet of the proposed land combination. As the filing fee has been paid and the Plat of Survey and CSM have been submitted depicting the land combination, it appears that the requirements for the land combination have been met and, therefore, is referred to the Plan Commission for action on the matter.

# N. SANTA MONICA BLVD.

(1/2" = 100' PUBLIC R-1-22)



**TOTAL AREA:**  
327,286.9 Sq. Ft.  
7.51 ACRES



**VICINITY MAP**  
NW 1/4 SECT. 15-8-22  
SCALE: 1" = 1000'

## LEGEND

- ⊙ - Denotes Existing Power Pole
- ⊙ - Denotes Existing Light Pole
- ⊙ - Denotes Existing Catchbasin
- ⊙ - Denotes Existing Gas Meter
- ⊙ - Denotes Existing Electric Meter
- ⊙ - Denotes Existing Water Valve
- ⊙ - Denotes Existing Gas Valve
- ⊙ - Denotes Existing Sewer Manhole
- ⊙ - Denotes Existing Flood Light
- ⊙ - Denotes Existing Drain
- ⊙ - Denotes Existing Spot Elevation on Village Datum
- ⊙ - Denotes Proposed Spot Elevation on Village Datum

**PARKING NOTE**  
124 REGULAR  
7 HANDICAPPED

## LEGAL DESCRIPTION

That part of the Northwest 1/4 of Section 15, in Township 8 North, Range 22 East, in the Village of Fox Point, Milwaukee County, Wisconsin, bounded and described as follows, to-wit: Commencing at the intersection of the center line of Santa Monica Blvd., with the North line of said 1/4 Section, said point being 1069.16 feet South 89° 57' 53" East of the Northwest corner of said 1/4 Section, running thence South 89° 57' 53" East along the North line of said 1/4 Section, 275.50 feet to a point; thence South 0° 10' 00" West 1308.21 feet to a point in the South line of the North 1/4 of said 1/4 Section; thence North 89° 57' 53" West along said South line of 775.00 feet to a point in the center line of Santa Monica Blvd., thence North 0° 10' 00" East along the center line of Santa Monica Blvd., 1328.57 feet to the place of commencement; reserving the West 60.0 feet which has been deeded for public street purposes (being Santa Monica Blvd.), and that portion on the North line within the limits of East Bradley Road, situated in the County of Milwaukee, State of Wisconsin.

ALSO, that part of the Northwest 1/4 of Section 15, Town 8 North, Range 22 East, in the Village of Fox Point, Milwaukee County, Wisconsin, bounded and described as follows, to-wit: Commencing at the intersection of the centerline of N. Santa Monica Blvd., with the North line of said 1/4 section, said point being 1069.16 feet, South 89° 57' 53" East of the Northwest corner of said 1/4 Section; running thence South 0° 10' 00" West along said centerline of N. Santa Monica Blvd., 1328.57 feet to a point in the South line of the North 1/4 of said 1/4 Section; thence North 89° 57' 53" East along said South line of the North 1/4 of said 1/4 Section, 775.00 feet to a point in the West line of the Chicago and Northwestern Railway right-of-way; thence South 0° 10' 00" West along said right-of-way line 725.35 feet to a point in a line 1100.86 feet Northerly (as measured parallel to the West line of said 1/4 Section) of the South line of said 1/4 Section; thence South 89° 57' 53" West and parallel to the South line of said 1/4 Section, 215.50 feet to a point in the East line of N. Santa Monica Blvd., thence North 0° 10' 00" East along said East line of N. Santa Monica Blvd., 225.54 feet to the point of beginning. Said parcel containing 1.115+ acres as described.

Address: 7050 N. Santa Monica Boulevard

Note 1: The property herein described is the same as the pertinent property as described in Title Guaranty Company of Wisconsin, No. 194660, effective date October 2, 1954.

Note 2: Survey traverse closure exceeds 1:15,000.

Note 3: The underground utilities shown have been located from field survey information and existing drawings. The surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated although he does certify that they are located as accurately as possible from information available. The surveyor has not physically located the underground utilities.

"I have surveyed the above described property from the legal description furnished by the client named on this survey."

"This survey is made for the exclusive use of the present owners of the property, and also those who purchase, mortgage, or guarantee the title thereto within one (1) year from date hereof."

|  |  |                                                                       |
|--|--|-----------------------------------------------------------------------|
|  |  | DATE: 06/20/05<br>BY: [Signature]<br>CHECKED BY: [Signature]          |
|  |  | PROJECT: 31573<br>TOWN: [Blank]<br>RANGE: [Blank]<br>SECTION: [Blank] |

8-22-14-2-0046

## CERTIFIED SURVEY MAP NO. \_\_\_\_\_

That part of the Northwest 1/4 of the Northwest 1/4 of Section 16, Township 8 North, Range 22 East, in the Village of Fox Point, Milwaukee County, Wisconsin.

### SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)  
:SS  
MILWAUKEE COUNTY)

I, DANIEL E. BEDNAR, a professional land surveyor, certify:

THAT I have surveyed, divided and mapped That part of the Northwest 1/4 of the Northwest 1/4 of Section 16, Township 8 North, Range 22 East, in the Village of Fox Point, Milwaukee County, Wisconsin, bounded and described as follows:

COMMENCING at the Northwest corner of the Northwest 1/4 of said Section 16, thence North 89°31'33" East along the North line of said 1/4 Section 966.14 feet to the point of beginning of the lands to be described; thence North 89°31'33" East continuing along said North line 275.50 feet to a point on the West line of the Chicago and Northwestern Railroad; thence South 00°25'27" East along said West line 1551.56 feet to a point; thence South 89°24'03" West 275.50 feet to a point on the centerline North Santa Monica Boulevard; thence North 00°25'27" West along said centerline 1552.16 feet to the North line of said 1/4 Section and point of beginning.

Said lands as described contains 427,536 square feet or 9.8149 acres.

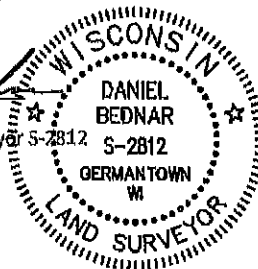
THAT I have made the survey, land division and map by the direction of The Town Club, owner.

THAT the map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

THAT I have fully complied with Chapter 236 of the Wisconsin Statutes and the subdivision regulation of the Village of Fox Point in surveying, dividing and mapping the same.

Date: November 2, 2023

  
Daniel E. Bednar  
Professional Land Surveyor S-2812



## CERTIFIED SURVEY MAP NO. \_\_\_\_\_

That part of the Northwest 1/4 of the Northwest 1/4 of Section 16, Township 8 North, Range 22 East, in the Village of Fox Point, Milwaukee County, Wisconsin.

### CORPORATE OWNER'S CERTIFICATE

The Town Club, a Wisconsin Corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, certifies that said corporation caused the land described on this map to be surveyed, divided, dedicated and mapped as represented on this map in accordance with the requirements of the Village of Fox Point Code of Ordinances.

In consideration of the approval of the map by the Village Council of the Village of Fox Point and in accordance with the Village of Fox Point Code, the undersigned agrees:

In Witness Where of, The Town Club, a Wisconsin Corporation, has caused these presents to be signed by \_\_\_\_\_, its \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
In the presence of:

\_\_\_\_\_  
\_\_\_\_\_

STATE OF \_\_\_\_\_ )  
:SS  
\_\_\_\_\_ COUNTY)

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the above named \_\_\_\_\_, to me known as the person who executed the foregoing instrument and acknowledged the same.

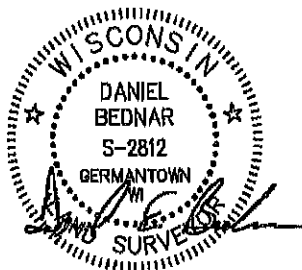
\_\_\_\_\_  
Notary Public  
State of Wisconsin  
My commission expires: \_\_\_\_\_  
My commission is permanent.

### VILLAGE BOARD APPROVAL

Approved by the Village Board of the Village of Fox Point on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
CHRISTINE SYMCHYCH, PRESIDENT

\_\_\_\_\_  
CATIE ANDERSON, TRUSTEE



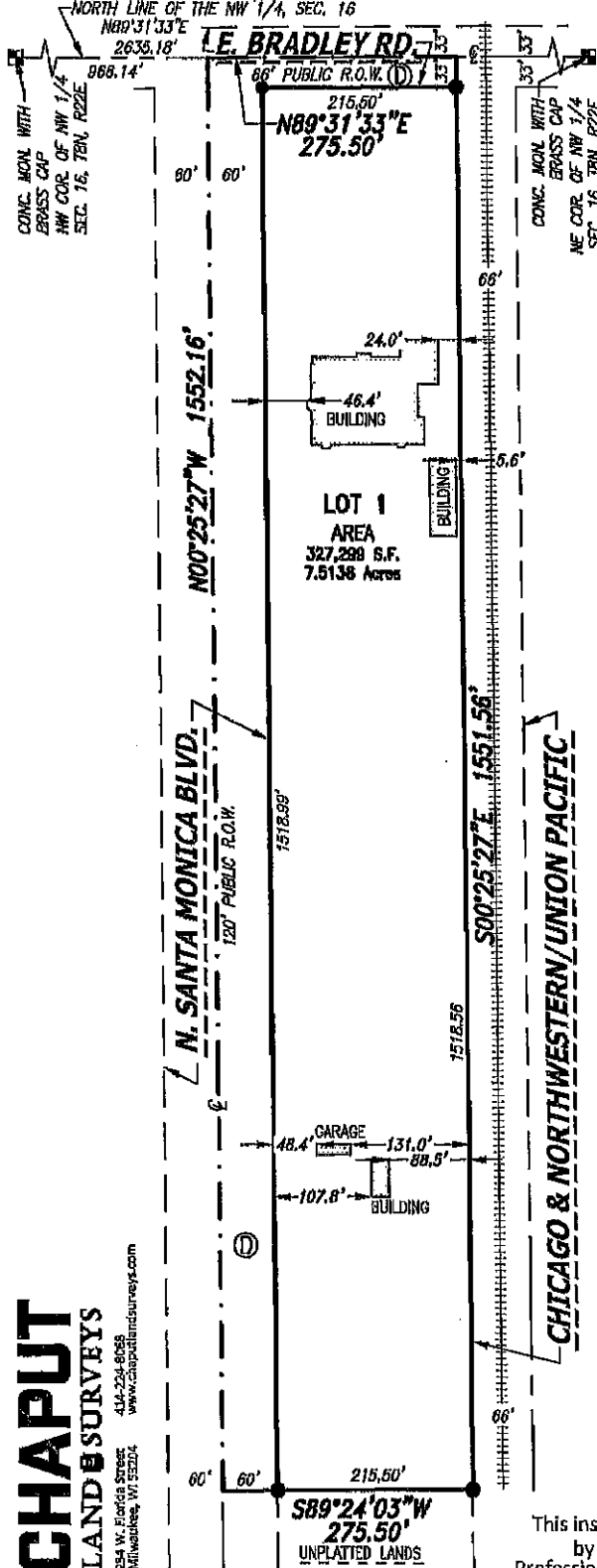
This instrument was drafted by Daniel E. Bednar  
Professional Land Surveyor S-2812

Date: November 2, 2023  
Survey No. 5247-lpm  
Sheet 4 of 4 Sheets



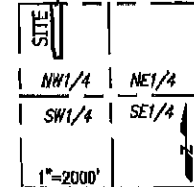
# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

That part of the Northwest 1/4 of the Northwest 1/4 of Section 16, Township 8 North, Range 22 East, in the Village of Fox Point, Milwaukee County, Wisconsin.



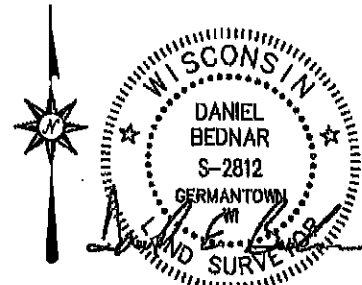
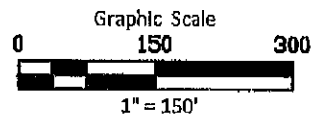
Owner: The Town Club  
7950 N. Santa Monica Blvd.  
Fox Point, WI 53217

## VICINITY MAP



- Indicates found 1" iron pipe.
- Indicates set 1" iron pipe, 18" in length, 1.13 lbs. per lineal foot.
- Ⓢ Dedicated to the public for roadway purposes

All bearings are referenced to the Wisconsin State Plane Coordinate System, South-zone (NAD83/2011) in which the North line of the NW 1/4, Sec. 16 bears N89°31'33"E.

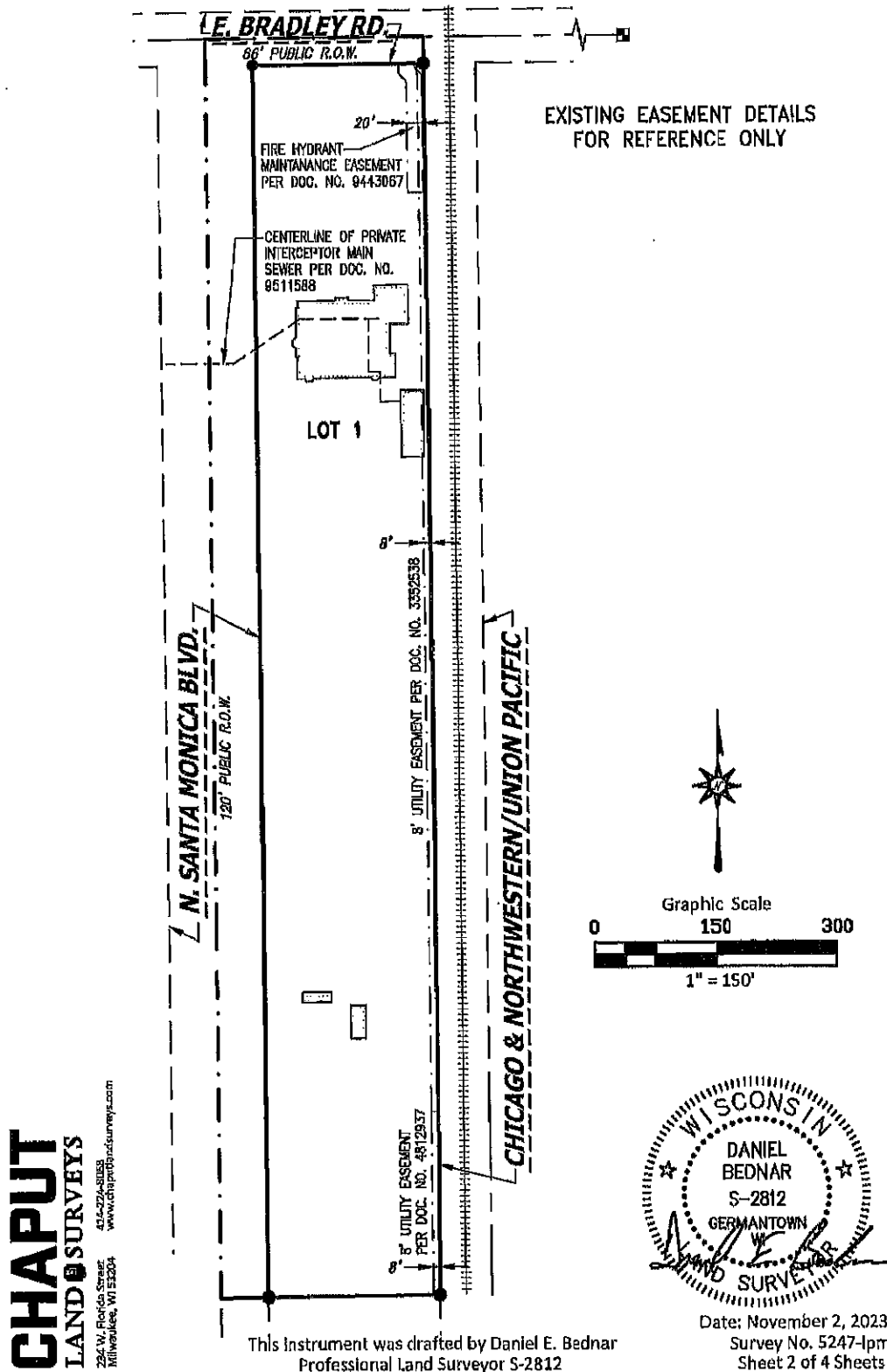


This instrument was drafted by Daniel E. Bednar Professional Land Surveyor S-2812 Date: November 2, 2023 Survey No. 5247-lpm Sheet 1 of 4 Sheets

**CHAPUT**  
LAND SURVEYS  
414-224-8058  
www.chaputlandsurveys.com  
254 W. Florida Street  
Milwaukee, WI 53204

## CERTIFIED SURVEY MAP NO. \_\_\_\_\_

That part of the Northwest 1/4 of the Northwest 1/4 of Section 16, Township 8 North, Range 22 East, in the Village of Fox Point, Milwaukee County, Wisconsin.



**CHAPUT**  
**LAND SURVEYS**  
414-274-5053  
284 W. Florida Street  
Milwaukee, WI 53204  
www.chaputlandsurveys.com

**§ 745-10. Outdoor recreational areas and facilities.**

Swimming pools, tennis courts, athletic fields, and other buildings or grounds used for leisure-time activities of a predominantly outdoor nature shall be permitted in those districts and subject to such regulations as are hereinafter designated.

**A. General.**

- (1) No such use shall be permitted in any case where it shall create a nuisance, a hazard, or otherwise result in a substantial adverse effect on the surrounding property values or on the enjoyment of such property, or be in any other way detrimental to the general public welfare. Every reasonable effort shall be made to prevent such effect through control of lighting, attractive design and maintenance of structures, use of planting screens or attractive fences, careful placement on the site, and sensible regulation of use.
- (2) Adequate provision shall be made for off-street parking consistent with the need generated by the facility.

**B. Classification.** For purposes of regulation, such uses shall be classified as follows:

- (1) Public. Facilities owned and operated by a governmental agency for limited or general public use.
- (2) Private commercial. Facilities owned and operated by an individual or group for profit as a business, whether or not open to general public use.
- (3) Private noncommercial group. Facilities owned and operated by a group for exclusive use of the members of such group and their guests and not for profit as a business.
- (4) Private residential. Facilities owned by the individual, located on the same or adjoining lot to his residence, and intended solely for the use of his family and guests.

**C. Public facilities.** Such facilities may be permitted in any district as a principal or accessory use subject to the procedure hereinafter set forth.**D. Private commercial facilities.** Such facilities may be permitted in an Institutional District as an accessory use, and in a "D" Business or "E" Semi-Business District as a principal or accessory use subject to the procedure hereinafter set forth.**E. Private noncommercial group facilities.** Such facilities may be permitted in any district as a principal or accessory use subject to the procedure hereinafter set forth.**F. Procedure.** The following procedure shall be complied with before public facilities, private commercial facilities, or private noncommercial group facilities are permitted.

- (1) The request for such use, together with site, building and operational plans, shall be submitted to the Village Board and shall be referred to the Plan Commission for its study and recommendation to the Village Board.
- (2) Any active use area or structure shall conform to the appropriate open area, height, and front, side and rear setback requirements of the district in which located, provided, however, that in no case shall a swimming pool, athletic field, or game court be

## § 745-10

## § 745-10

permitted closer than 100 feet to an adjoining property line of a property in a residence district.

- (3) As a special exception, open area, height, front, side and rear setback requirements in effect pursuant to Subsection F(2) above may be reduced.
  - (4) In acting on a request pursuant to Subsection F(1) above or on the question of granting a special exception pursuant to Subsection F(3) above the Plan Commission shall take into consideration the requirements of Subsection A above and shall also consider whether or not the proposed use is compatible with the area, is in keeping with the unique residential character of the community, and would result in substantial adverse effect upon surrounding properties.
  - (5) The Plan Commission shall make its recommendation to the Village Board.
    - (a) The Village Board, taking into consideration the requirements above set forth and the recommendation of the Plan Commission, shall reject, grant, or grant with modification the request; provided that if the request includes a request for a special exception under Subsection F(3) above, it shall not be granted until after a public hearing has been held by the Village Board. Notice of such hearing shall be given as required for Board meetings, and in addition thereto, written notice shall be given to the owners of property abutting that on which the special exception would exist at least five days before such hearing by delivering such notice to a person of suitable age residing on the premises, or by mailing such notice to the person residing on the premises as appears in the records of the Village for sending water bills, or if vacant property to the person who appears as owner on the records of the Village for real estate taxes. If notice is given by mail, it shall be mailed not less than seven days before the meeting.
    - (b) The notice shall give the time and place of the hearing and describe the special exception that has been requested.
    - (c) After such hearing, the Village Board, applying the requirements above set forth, shall reject, grant or grant with modification the special exception requested.
- G. Private residential facilities. Such facilities may be permitted as an accessory use in any district permitting residential use, subject to the following:
- (1) Backboards shall comply with the setback regulations and shall be in such location or so screened by building or vegetation that it will not substantially adversely affect the value or reasonable enjoyment or use of adjoining property, and will not present an unattractive appearance from the street or adjoining property. The Village Manager shall determine that the provisions of this subsection are complied with before a building permit is issued.
  - (2) Any active use area or structure shall conform to the open area, height, and front, side and rear setback regulations of the district in which located except as is otherwise provided.
  - (3) In the case of tennis, badminton or other similar areas for court games where size and

## § 745-10

## § 745-10

proper orientation limit suitable locations, the aforesaid regulations may be modified by the Village Manager upon his determination that, as the regulations are modified, the facility will not substantially adversely affect the value or reasonable enjoyment or use of adjoining property and will not present an unattractive appearance from the street or adjoining property. In addition to this general requirement, the following requirements must be met:

(a) The location as proposed is justified in terms of logical utilization of the site.

(b) In no case shall any portion of the court area be closer than five feet to a lot line.

(c) Appropriate landscaping shall be provided.

[1] The plan for such landscaping shall be submitted to and approved by the Village Manager as meeting these requirements. Such landscaping shall thereafter be continuously maintained in good condition, so long as such court continues in existence.

[2] The Village Manager may from time to time instruct the owner to make changes in or additions to the landscaping when the Village Manager determines that because of the use being made of the court or adjoining premises, changes or additions to the landscaping are necessary for continued compliance with these provisions. Such instructions shall be promptly complied with.

(d) In those cases where the Village Manager has modified the height or any setback requirement (front, side or rear), every enclosure around a court for the containment of balls or birds, etc., shall be as open as reasonably possible to permit the passage of light and air, provided that the Village Manager may permit a canvas or plastic windbreak on such court enclosure upon his determination that there will still be compliance with these provisions.

(4) The power here given to the Village Manager to modify regulations does not apply to the above regulations in respect to backboards.

H. Swimming pools. In addition to the foregoing, swimming pools shall be subject to the following:

(1) Pumps, filter, and heating equipment shall in no case be closer than 20 feet to a property line and shall be adequately housed or screened and muffled.

(2) Surfaced terraces, sundecks, and walks may be permitted no closer than five feet to a lot line where accessory to a private residential pool. In the case of public, private commercial or private noncommercial group pools, such accessory uses may be permitted no closer than 10 feet to a lot line.

(3) Reasonable precautions shall be taken to insure the safety of the pool area and to prevent it from becoming an "attractive nuisance." Pools other than those classified as "private residential" shall be completely fenced so as to prevent the unregulated entrance of young children to the pool area.

## § 745-10

## § 745-10

- (4) Pools erected on top of the surface of the ground shall have the pool construction completely and adequately screened from the view of abutting properties by means of combined fence and landscape screen.
- (5) Pools other than those classified as "private residential" or "private noncommercial group" shall conform to the following:
  - (a) Water supplied to the pool shall meet state standards for pure drinking water.
  - (b) Adequate provision shall be made for separate shower, lavatory, and dressing facilities for men and women which are well lighted, ventilated and properly equipped.
  - (c) Pool construction shall be of concrete, steel, or other material having an impervious smooth surface and approved by the Director of Public Works/Village Engineer.
  - (d) Pool shape, design, depth, and slopes shall be such as to promote safe control of the bathers in the pool.
  - (e) Inlets must be submerged and produce uniform circulation without "dead" spots.
  - (f) Outlets must be of ample size and located at the pool low points.
  - (g) Hose connections must be of ample size and pressure to clean all the pool area.
  - (h) Overflow gutters must surround the pool and have a pitch adequate to carry off all overflow.
  - (i) Adequate steps or ladders shall be provided to allow safe emergence from the pool and shall be made of impervious material, easily cleaned, and must not collect water or retain water.
  - (j) A suction cleaner must be used to remove sludge, sediment and other accumulations.
  - (k) Recirculation systems shall consist of pumping equipment, hair and lint catcher, filters, and all necessary fixtures and connections; must be capable of a six-hour turnover of water; and must include disinfecting equipment.
  - (l) All equipment must be accessible, satisfactorily located and the equipment room adequately drained.
  - (m) Each pool shall have available a pH and residual determination outfit.
  - (n) If used at night, the pool shall be adequately lighted.





March 20, 2024

*Via Email: [sbotcher@villageoffoxpoint.com](mailto:sbotcher@villageoffoxpoint.com)  
And Regular U.S. Mail*

Scott Botcher  
Village Manager  
Village of Fox Point  
7200 N. Santa Monica Boulevard  
Fox Point, WI 53217

*Via Email: [elarson@ammr.net](mailto:elarson@ammr.net)  
And Regular U.S. Mail*

Attorney Eric J. Larson  
Municipal Law and Litigation Group, S.C.  
720 N. East Avenue  
Waukesha, WI 53186

**Re: Conditional Use Permit: The Town Club – 7950 N. Santa Monica Blvd**

Gentlemen,

We write to advise you that we understand that this matter is now proceeding as a single permit under both Sections 745-10 and 745-20 of the Village Zoning Code.

We further understand that the prior proceedings remain in the record, the public hearing has been reopened, and the matter is scheduled for the Plan Commission on April 1. Additional submittals and comment will be received (including a projected reconvened Public Hearing on April 9).

If we are mistaken with regard to the proceedings as set forth, or if you have any questions or comments, please do not hesitate to call or email.

Thank you.

Very truly yours,

Amundsen Davis, LLC

A handwritten signature in blue ink, appearing to read "Chris Jaekels".

Christopher J. Jaekels

CJJ/das

**List of Exhibits**

- |            |                                                                                                                                                                                                                                 |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Exhibit 1  | Applicable Ordinances: Sections 745-10 and 745-20                                                                                                                                                                               |
| Exhibit 2  | Applicable Statute: Wis. Stat. Sec. 62.23(7)(de)                                                                                                                                                                                |
| Exhibit 3  | Appraiser Opinion of No Detrimental Impact on Fox Point Residential Property in the Vicinity of Town Club Pickle Ball Courts                                                                                                    |
| Exhibit 4  | Emails in Support of Pickle Ball Courts and Required Findings<br>(59 Signatories)                                                                                                                                               |
| Exhibit 5  | Link to Acoustiblok Webpage Regarding Pickle Ball Issues and Answers<br>( <a href="https://acoustiblok.com/2013/04/08/pickleball-court-reduced-noise/">https://acoustiblok.com/2013/04/08/pickleball-court-reduced-noise/</a> ) |
| Exhibit 6  | March 20, 2024, Letter From Counsel for Town Club to Scott Botcher Agreeing to Proceed Under 745-10 and 745-20 of the Fox Point Code                                                                                            |
| Exhibit 7  | National Hearing Conservation Association Decibel Chart                                                                                                                                                                         |
| Exhibit 8  | Public Pickle Ball Courts in North Shore Residential Neighborhoods Including Two Sets of Courts Operated by the Village of Fox Point<br>(Permit Status Unknown)                                                                 |
| Exhibit 9  | Response of Bayside Communications Center to Open Records Request<br>(No Complaints about Pickle Ball anywhere in Village, March 2021 to March 2024)                                                                            |
| Exhibit 10 | Response of Village of Fox Point Police Department to Open Records Request<br>(No Complaints about Pickle Ball anywhere in Village, March 2021 to March 2024)                                                                   |
| Exhibit 11 | Roster of Adult Town Club Members Who Are Fox Point Residents<br>(173 Total)                                                                                                                                                    |
| Exhibit 12 | Site Plans<br>(One Current, Two Proposed)                                                                                                                                                                                       |
| Exhibit 13 | Union Pacific Railroad Schedule and Train Horn Decibel Information                                                                                                                                                              |



March 27, 2024

*Via Email: [sbotcher@villageoffoxpoint.com](mailto:sbotcher@villageoffoxpoint.com)*

Scott Botcher  
Village Manager  
Village of Fox Point  
7200 N. Santa Monica Boulevard  
Fox Point, WI 53217

*Via Email: [elarson@ammr.net](mailto:elarson@ammr.net)*

Attorney Eric J. Larson  
Municipal Law and Litigation Group, S.C.  
720 N. East Avenue  
Waukesha, WI 53186

**Re: Conditional Use Permit (CUP): The Town Club – 7950 N. Santa Monica Blvd.**

Gentlemen,

We write to follow up our March 20, 2024, letter regarding the above-referenced permit and to supplement the record in this matter. **Exhibit 6.** In addition, we address the applicable legal standards and how the application meets those standards. For the reasons set forth below, the Town Club is entitled to resurface and renovate its pickle ball facilities under a Conditional Use Permit.

The Town Club was founded in 1901 and has been a part of the Fox Point community since 1955 when it moved to its current location adjoining the western edge of the still active Union Pacific Railroad. In the beginning it operated swimming pools and tennis courts. In the early 1970s, it added platform tennis courts and the southernmost set of three tennis courts. It is those southernmost tennis courts that are the focus of this proceeding. Since 2021, the Club has played pickle ball on these courts with the addition of pickle ball lines and temporary pickle ball nets. By all accounts, the pickle ball use and structures should be grandfathered.<sup>1</sup> The courts are now in disrepair and require resurfacing. It was a Town Club inquiry regarding a permit for paving that triggered these proceedings.

On November 20, 2023, the Club applied for this Conditional Use Permit. The application calls for renovating the existing southernmost tennis courts, in the exact same footprint and exterior fencing, with new pavement and permanent pickle ball nets. This would result in 8 pickle ball courts compared to the current 6 courts.

Under Section 62.33(7)(de) of the Wisconsin Statutes, submittal of a Conditional Use Permit Application requires that if an applicant meets or agrees to meet all requirements and conditions

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<sup>1</sup> The Village itself operates pickle ball courts at two locations in the Village, both of which are scheduled for repairing and renovation. It is not clear whether or not the Village has applied for a permit for the operation of those courts or for their renovation. **Exhibit 8.**





specified in the applicable ordinance(s), as well as any conditions set forth by the local zoning authority, the Village “shall grant” the Conditional Use Permit. Any denial or conditions the Village imposes must be reasonable, and must be supported by substantial evidence. “Substantial evidence” under the statute means “facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.” Any requirements or conditions imposed on the applicant “must be reasonable and, to the extent practicable, measurable.” **Exhibit 2.**

The relevant ordinance provisions are provided in Sections 745-20 and 745-10 of the Village Code. **Exhibit 1.** While the Town Club’s use of the courts in question goes back over 50 years and the use of the courts for pickle ball had gone on without comment or complaint for 3 years, the Town Club was initially directed by Village staff to apply for a Conditional Use Permit in the F Institutional District. Section 745-20 F Institutional District requires any proposed use, construction, or enlargement of a premises or building (or exterior alteration to the same) meet the following standards: (a) be 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.

On December 4, 2023, the Plan Commission, by unanimous vote, recommended approval of the permit to the Village Board. Later, at its February 13, 2024, Village Board Meeting, the Village Attorney submitted to the Board (at its request) a “Conditional Use Order: Grant Pickle Ball Courts” (Draft Permit) for the Board’s consideration. The Town Club, via counsel, informed the Village that it was willing to accept the Draft Permit. The Town Club remains willing to accept the Draft Permit and its terms to this day.

After taking the matter up in closed session, the Village Board, on March 12, 2024, reopened the proceedings and Public Hearing, and directed that the matter proceed under both Sections 745-20 and 745-10 Outdoor Recreational Areas and Facilities. The Town Club agreed to address this as a single permit under both. Section 745-10, in relevant part, requires any outdoor recreational area or facility to conform to the appropriate open area, height, and front, side and rear setback requirements of the district in which it is located. The four part test in Section 745-20 continues to apply as do requirements that the Conditional Use not be a nuisance or hazard, and not be detrimental to the general public welfare.

Attached to this letter are 13 exhibits which are hereby added to the record in this matter. The combination of the existing record with this supplement satisfy the requirements of both Sections 745-10 and 745-20, based on substantial evidence. Each of the requirements of those Code provisions is addressed in turn.



**1. The Proposal is appropriate in the location proposed.**

This is established by the record to date and is augmented by the following attached **Exhibits: 4, 8, 11, and 12.**

**2. The Proposal is compatible with the neighborhood.**

This is established by the record to date and is augmented by the following attached **Exhibits: 4, 8, 11, 12, and 13.**

**3. The Proposal is not detrimental to the property values of the surrounding property.**

This is established by the record to date and is augmented by the following attached **Exhibits: 3, 4, and 8.**

**4. The Proposal is in keeping with the residential character and quality of the Village.**

This is established by the record to date and is augmented by the following attached **Exhibits: 4, 8, 9, 10, and 11.**

**5. The Proposal is not a nuisance or hazard.**

This is established by the record to date and is augmented by the following attached **Exhibits: 4, 8, 9, 10, and 11.**

**6. The Proposal is not detrimental to the general public welfare.**

This is established by the record to date and is augmented by the following attached **Exhibits: 4, 8, 9, 10, and 11.**

**7. The following exhibits are provided as reference information with regard to the science of sound levels and mitigation: 5, 7, and 13.**

While the Town Club pickle ball activities really should be grandfathered, we have agreed to cooperate with the Village's request for this process. The Town Club has met its burden to provide "substantial evidence" that it is entitled to a Conditional Use Permit. The evidence provided is measurable and is not based on merely personal preferences or speculation. Indeed, the Exhibits to this submittal, together with the record to date, function as a compendium of relevant, substantial evidence all in support of the permit. There has been no substantial evidence presented to the contrary. What you have before you satisfies the applicable provisions of the Village Code and state statutes. The Town Club has been here for nearly seventy years and its rights (and those of its members) should be protected.





If you have any questions or comments, please do not hesitate to call or email.

Respectfully,

Amundsen Davis, LLC

A handwritten signature in blue ink, appearing to read "CJ Jackels", written over the printed name.

Christopher J. Jackels  
Attorneys for the Town Club

CJJ/jfd

Enclosures



**List of Exhibits**

- |            |                                                                                                                                                                                                                                 |
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# **Exhibit 1**

## **Applicable Ordinances**

### **Sections 745-10 and 745-20**

*Village of Fox Point, WI  
Monday, March 25, 2024*

## Chapter 745. Zoning

[HISTORY: Adopted by the Village Board of the Village of Fox Point 4-22-1958 by Ord. No. 264 (Ch. 14 of the 1961 Code). Amendments noted where applicable.]

### **GENERAL REFERENCES**

Stormwater management, erosion control and bluff regulation — See Ch. **285**.

Signs — See Ch. **540**.

Offenses against public peace, safety and welfare — See Ch. **670**.

Property maintenance — See Ch. **681**.

Floodplain zoning — See Ch. **724**.

Subdivision of land — See Ch. **738**.

Building construction — See Ch. **756**.

### **§ 745-1. General purpose.**

The Village of Fox Point is a community in the metropolitan area of Milwaukee County, in which Village substantially all of the land and real property has been or is being developed for private residential purposes by the owners thereof, and territory accessible to the inhabitants of the Village is now occupied by, or is available for, manufacturing and industrial purposes more than sufficient for the general needs of the inhabitants of the Village, and it is the desire of the inhabitants and property owners to preserve the residential character of the Village, and in the opinion of the Board of Trustees, the enactment of the regulations of this chapter is essential for the promotion of the public health, morals and public safety, and is further necessary for the promotion of the public welfare, convenience and general prosperity of the Village and its inhabitants by the prevention of unregulated and unrestricted development.

### **§ 745-2. Interpretation and definitions.**

In interpreting and applying the provisions of this chapter, such provisions shall be deemed to be the minimum requirements adopted for the public health, morals and safety, and for the promotion of convenience, comfort and general welfare of the inhabitants of the Village, but it is not intended to interfere with or abrogate any existing easements or other agreements between individuals, but when this chapter imposes a greater restriction, the provisions of this chapter shall control, and the following words, when used in this chapter, shall have the meaning hereinbelow set forth:

#### **AREA, OPEN**

That portion of a lot which will be unoccupied after the erection of a building or buildings for which a permit has been duly requested. In computing such open area, the lot shall be considered as extending not further than the side line of any street or area reserved for highway purposes upon which a lot abuts, except when this chapter specifically provides otherwise.

#### **AREA RESERVED FOR HIGHWAY PURPOSES**

Area reserved for highway purposes or for ingress and egress to the premises as well as a public highway.

#### **BUILDING**

Any structure used, designed or intended for the protection, shelter or roofed enclosure of persons, animals or property.

**BUILDING, ACCESSORY**

A building or portion of a building used for a purpose customarily incident to the permitted principal use of the lot and located on the same lot as the principal use.

**BUILDING, PRINCIPAL**

The building in which is conducted the principal use as permitted on such lot by the regulations of the district in which it is located.

**DEPTH OF FRONT YARD**

The minimum horizontal distance between the front line a building and the front lot line or side line of the street or area reserved for highway purposes, whichever is nearer, except that the roof of a building or any attachments thereto may extend over said front yard a distance of not to exceed one foot.

**DEPTH OF REAR YARD**

The minimum horizontal distance between the rear line of a building and the rear lot line or side line of the street or area reserved for highway purposes, whichever is nearer, except that the roof of a building or any attachments thereto may extend over said rear yard a distance of not to exceed one foot.

**DWELLING**

A building having accommodations for one family only, provided that the building may provide quarters for bona fide servants though they constitute a family as defined in this section.

**FAMILY**

One or more persons related by blood, adoption or marriage living and cooking together as a single housekeeping unit, exclusive of household servants. A number of persons but not exceeding three living and cooking together as a single housekeeping unit though not related by blood, adoption or marriage shall be deemed to constitute a family.<sup>[1]</sup>

A.

**FRONT LINE OF A BUILDING**

A line drawn through the point of a building as defined above nearest to, and parallel with, the front lot line or the side line of a street or area reserved for highway purposes, whichever is nearer.

**FRONT YARD**

An open area on the same lot with a building between the front line of any building and the front lot line, or the side line of the street or area reserved for highway purposes, whichever is nearer, extending the full width of the lot.

**GARAGE, PRIVATE**

A structure primarily intended for and used for the enclosed storage or shelter of the private motor vehicles of the family resident upon the premises. Carports shall be considered garages within this definition.

**GARAGE, PUBLIC OR COMMERCIAL**

Any garage not falling within the definition of "private garage" as herein established.

**LOT**

A parcel of land, whether unplatted or platted, in whole or in part, all of which is owned legally or under a land contract by the same person or persons and which is treated or occupied by them as a unit for a use permitted by this chapter.

**NONCONFORMING USE**

Any use of a building or premises which does not conform to the regulations of the district in which it is situated as provided for by this chapter.

### **OUTDOOR RECREATIONAL FACILITIES**

Land, water bodies, and structures, along with accessory equipment, designed and utilized for leisure time activities of a predominantly outdoor nature and of more specific active purposes than park-like open areas.<sup>[2]</sup>

### **REAR LINE OF A BUILDING**

A line drawn through the point of a building as defined above nearest to, and parallel with, the rear lot line or the side line of a street or area reserved for highway purposes, whichever is nearer.

### **REAR YARD**

An open area on the same lot with a building, between the rear lot line and the rear line of any building, extending the full width of the lot, except that where the rear of said lot abuts upon a street or area reserved for highway purposes, the rear yard shall extend only to the side of said street or area reserved for highway purposes.

### **SIDE LINE OF A BUILDING**

A line drawn through the point of the building nearest to, and parallel with, the side lot line or the side line of a street or area reserved for highway purposes, whichever is nearer.

### **SIDE YARD**

An open area on the same lot with a building between the side lot line and the side line of any building, extending from the front yard to the rear yard, except that where the side of said lot abuts upon a street or area reserved for highway purposes, the side yard shall extend only to the side of said street or area reserved for highway purposes.

### **SOLAR ENERGY SYSTEM**

A system intended to convert solar energy into thermal, mechanical or electrical energy.  
[Added 3-10-2020 by Ord. No. 2020-02]

### **SOLAR ENERGY SYSTEM, FLUSH-MOUNTED**

A solar energy system that is mounted flush with a finished building surface, at no more than six inches in height above that surface.  
[Added 3-10-2020 by Ord. No. 2020-02]

### **SOLAR ENERGY SYSTEM, GROUND-MOUNTED**

A solar energy system mounted on the ground and not attached to any other structure other than structural supports.  
[Added 3-10-2020 by Ord. No. 2020-02]

### **SOLAR ENERGY SYSTEM, STRUCTURE-INTEGRATED**

A solar energy system that is an integral part of a principal or accessory structure, rather than a separate mechanical device, replacing or substituting for an architectural or structural part of the structure. Structure-integrated systems include, but are not limited to, photovoltaic or hot water systems that are contained within roofing materials, windows, skylights, shading devices and similar architectural components.  
[Added 3-10-2020 by Ord. No. 2020-02]

### **SOLAR ENERGY SYSTEM, STRUCTURE-MOUNTED**

A solar energy system that is mounted on the facade or roof of either a principal or accessory structure.  
[Added 3-10-2020 by Ord. No. 2020-02]

### **STRUCTURE**

A combination of materials other than natural terrain or plant growth erected or constructed to form a shelter, enclosure, retainer, container, support, base, pavement or decoration.

**STRUCTURE, ACCESSORY**

A structure or portion of a structure customarily incident to any permitted principal use of such lot and located on the same lot as such principal use.

**STRUCTURE, PERMANENT**

A structure placed on or in the ground or attached to another structure in a fixed and determined position and intended to remain in place for a period of more than nine consecutive months, except as follows. An enclosure for the keeping of chickens that is approved pursuant to § 579-17.5 of this Code, and a hive for keeping bees that is approved pursuant to § 579-17.6 of this Code, during such time that such permit has been issued and is in effect shall not be deemed to be a permanent structure for purposes of this Chapter 745.

[Amended 11-10-2020 by Ord. No. 2020-06]

**STRUCTURE, PRINCIPAL**

A structure used or intended to be used for the principal use as permitted on such lot by the regulations of the district in which it is located.

**STRUCTURE, TEMPORARY**

Any structure other than a permanent structure.

**SUBSTANDARD LOT**

A lot which was of record on April 22, 1958, and which is:

- A. Smaller in square footage than the total of the minimum open area requirement of the district in which it is located plus the minimum floor area described in § 756-15B of this Code; or
- B. Narrower in width than the minimum lot width requirement of the district in which it is located.

**TIME SHARE PROPERTY**

Any property that is regulated by Chapter 707, Wisconsin Statutes.

[Added 4-19-2010 by Ord. No. 2010-07; amended 1-8-2019 by Ord. No. 2019-01]

**USE, ACCESSORY**

A use customarily incident to the permitted principal use of property and on the same lot as the principal permitted use.

**USE, PERMITTED**

That utilization of land by occupancy, activity, building or other structure which is specifically enumerated as permissible by the regulations of the zoning district in which said land is located, including those uses customarily accessory to such permitted use.

**USE, PRINCIPAL**

The main or primary use of property or structure as permitted on such lot by the regulations of the district in which it is located.

**WIDTH OF LOT**

The distance from one side line to the other measured on a line which will be contiguous with the front line of a building and be as nearly parallel as possible to the street on which the lot abuts.

**WIDTH OF SIDE YARD**

The minimum horizontal distance between the side line of a building and the side lot line or the side line of a street or area reserved for highway purposes, whichever is nearer, except that the roof of a building or any attachments thereto may extend over said side yard a distance of not to exceed one foot.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

[2] *Editor's Note: The former definition of "personal wireless service facility or PWSF," which immediately followed this definition, was repealed 12-10-2013 by Ord. No. 2013-10.*



## § 745-3. Conformity with regulations.

Except as hereinafter provided or superseded by state or federal law, no building or premises or part thereof shall be used, altered, constructed or reconstructed except in conformity the provisions of this chapter which apply to the district in which it is located.

## § 745-4. Existing nonconforming uses, structures and lots.

- A. Existing nonconforming uses. The lawful nonconforming use of land without structures, or the lawful nonconforming use of water, or a lawful nonconforming use in a conforming structure, or a lawful nonconforming use in a nonconforming structure, or a lawful nonconforming use on a conforming lot, or a lawful nonconforming use on a nonconforming lot, or a lawful nonconforming use of land with conforming structures, or a lawful nonconforming use of land with nonconforming structures which existed at the time of the adoption or amendment of this chapter may be continued although the use does not conform to the provisions of this chapter; however:
- (1) Only that use in actual existence at the time of the adoption or amendment of this chapter may be so continued as a legal nonconforming use and said use may not in any way be extended, enlarged, substituted, moved, added to or changed.
  - (2) No structure on lands containing a legal nonconforming use may be extended, enlarged, totally rebuilt, substituted, moved, remodeled, modified, or added to except when required to do so by law or until the legal nonconforming use has been made to conform to this chapter. This subsection does not apply, however, to structural repairs or alterations that are made in strict compliance with § 62.23(7)(h), Wis. Stats., including such amendments as may be made thereto from time to time.
  - (3) No lot or lands containing a legal nonconforming use may be reduced in size, modified, increased in size or changed in any manner except when required to do so by law or until the legal nonconforming use has been made to conform to this chapter.
  - (4) If a legal nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land or water must conform to the provisions of this chapter.
- B. Existing nonconforming lots containing conforming uses and/or conforming structures. A building may be erected on a lot of record on April 22, 1958, which lot does not comply with the requirements of this chapter, provided as follows:
- (1) In the case of such substandard lot which adjoins, along a side lot line, property held in the same ownership, as defined in Chapter 738, Subdivision of Land, of this Code, no building permit shall be issued until a determination has been made by the Plan Commission in the manner provided by § 738-6.
  - (2) No building permit shall be issued where in the opinion of the Building Inspector the erection of a building on such substandard lot would impair or jeopardize the health, safety and general welfare of the surrounding neighborhood or of the Village.
  - (3) No dwelling erected pursuant to the provisions of this section shall occupy an area of a lot which exceeds:
    - (a) A Residence District: 15% of the gross area of the lot together with the area of abutting land reserved for highway purposes, whether public or private, to the center line thereof;
    - (b) B Residence District: 30% of the gross area of a lot; or
    - (c) C Residence District: 45% of the gross area of a lot.

- (4) Where the proposed erection of a building on such substandard lot would require a variance from requirements in addition to the lot area and width, such variance must be sought in the normal manner in such case from the Board of Appeals.
  - (5) The application of this section in respect to any area annexed to the Village shall apply to parcels of land and lots as they are owned when annexed.
- C. Existing legal nonconforming structures on a conforming lot or nonconforming lot with legal conforming uses.
- (1) The legal conforming use of a nonconforming structure existing at the time of the adoption or amendment of this chapter whether on a conforming lot or nonconforming lot may be continued, even though the structure's size or location does not conform to the established building setback line along streets, or the open space, yard, height, parking, loading and/or access provisions of this chapter.
  - (2) The aforementioned structure may be extended, enlarged, substituted, moved, remodeled, modified or added to as long as any such change which alters the footprint of the structure must conform to the established building setback lines along streets and the yard, height, parking, loading, and access provisions of this chapter. In addition, such structure may be totally rebuilt if such reconstruction is identical in size and shape and use to the original structure.
  - (3) Legal nonconforming structures existing at the time of the adoption or amendment of this chapter with a legal conforming use whether on a conforming or nonconforming lot may be moved and if moved must conform to the established building setback lines along streets and the open space, yard, height, parking, loading, and access provisions of this chapter.
  - (4) Any applicable restriction in this section which prohibits restoration of a damaged or destroyed nonconforming structure shall not apply to the extent that 2005 Wisconsin Act 112 applies to such restoration, including such amendments and renumbering of the applicable statutes referred to therein as may be made from time to time.<sup>[1]</sup>  
[1] *Editor's Note: See § 62.23(7)(hc), Wis. Stats.*
- D. Burden of proof. The property owner has the burden of showing that a use, structure or lot is legal nonconforming. The determination shall be made by the Building Inspector upon proof presented by the property owner that the use, structure and/or lot is in fact legal nonconforming. Appeals from the decision of the Building Inspector concerning the determination of legal nonconformity may be made by any person aggrieved to the Village Board of Appeals. Such appeal shall be filed with the Village Clerk/Treasurer within 30 days after the determination of the Building Inspector.
- E. Reversion. Once a legal nonconforming use, legal nonconforming structure or legal nonconforming lot has been changed to conform, it shall not revert back to legal nonconforming status.
- F. Conditional use status.
- (1) Conditional use status may be granted to existing legal nonconforming uses, legal nonconforming structures, and legal nonconforming lots, upon petition of the owner, where such use, structure or lot is determined to not be any of the following:
    - (a) Adverse to any of the following:
      - [1] Public health;
      - [2] Safety; or
      - [3] Welfare.
    - (b) Would not conflict with the spirit or intent of this chapter; or
    - (c) Would not be otherwise detrimental to the community and particularly the surrounding neighborhood.

- (2) Such conditional use status may be granted by the Village Board only after the Village Board conducts a public hearing in the matter, and following receipt of a recommendation from the Village Plan Commission.

## § 745-5. Uses, structures and lots in violation of prior ordinance.

Any use, structure or lot existing on April 22, 1958, or thereafter which was commenced while a previous zoning ordinance was in effect and was in violation of such ordinance shall not be a nonconforming use permitted to continue under § 745-4 but shall be a violation of this chapter, unless the provision of the prior ordinance which was violated shall have been changed by this chapter and such use, structure or lot is not in violation of this chapter, and no violations are waived.

## § 745-6. Structures other than buildings.

- A. Structures not classified as buildings and less than six inches in height from the surface of the ground shall not require a building permit nor be subject to the front, side, or rear setbacks, building size, or open space requirements of this chapter, except as may be specifically otherwise provided in § 745-7 or 745-10 or Subsection C below, or § 756-44 or 842.  
[Amended 4-12-2022 by Ord. No. 2022-01]
- B. Structures not classified as buildings and six inches or more in height from the surface of the ground shall be subject to the front, side, or rear setbacks, building size, and open space requirements of this chapter except as may be specifically otherwise provided in § 745-7 or 745-10 or Subsection C below.
- C. The following structures that are not classified as buildings are excluded from the requirements of this chapter, provided that the following limitations applicable to these exclusions are strictly followed:
  - (1) Retaining walls. This exclusion applies to:
    - (a) A structure that is intended primarily as a landscape feature for retaining soil, as determined by the Village Building Inspector, and the top of the wall is approximately at grade;
    - (b) A structure that is intended to retain soil primarily for the purpose of constructing a driveway, as determined by the Village Building Inspector; and
    - (c) A structure that is intended primarily to retain soil that is regulated by Article I of Chapter 285 of this Code, as determined by the Village Building Inspector.
  - (2) Play equipment. This exclusion applies to a structure that is play equipment, as defined herein, provided that it is accessory to a residential use on the lot where it is located, and the lot is zoned for residential use, and the play equipment is set back at least three feet from any lot line. Play equipment is defined as a swingset, sandbox, jungle gym, or similar equipment that has no utility other than for amusement of children, as determined by the Village Building Inspector, but not including a structure that has walls and a roof which form an enclosure.
  - (3) Gardens. This exclusion applies to a structure that is primarily intended to be a planting bed, raised flower garden, rain garden, or similar landscape feature, as determined by the Village Building Inspector, provided that such structure shall be located at least three feet from any property line.
  - (4) Signs. This exclusion applies to a structure that is primarily intended to be a sign, as determined by the Village Building Inspector, provided that the sign is regulated by Chapter 540 of this Code.

## § 745-7. Accessory uses and structures.

### A. General.

- (1) Any accessory use or structure shall conform to the applicable regulations of the district in which it is located except as is specifically otherwise provided.
- (2) No accessory use or structure shall be permitted that by reason of noise, dust, odor, appearance, or other objectionable factor creates a nuisance or a substantial adverse effect upon the property value or reasonable enjoyment of the surrounding property.
- (3) Any of the requirements hereinafter established in this section relating to accessory uses and structures, except for permanent buildings in excess of 100 square feet in ground area, may be modified in their specific application to a given situation with the approval of the Village Manager or his/her designee, where in the Village Manager's or designee's opinion the strict application of the requirement would be unnecessarily burdensome or would not in fact achieve the actual intent of the requirement, or where modification would more effectively achieve such intent, provided in all cases such modification is consistent with the basic spirit and intent of this chapter. Appeal from the determination of the Village Manager or his/her designee may be made to the Building Board, provided such appeal is filed with the Village Manager within 30 days from the date of the Village Manager's or designee's action.

### B. Permanent structures.

- (1) Any permanent roofed structure serving an accessory use if attached to the principal building shall be considered a part of such principal building for all regulatory purposes. If such structure is a building and is not attached to the principal building, no roofed or enclosed portion shall be closer than 10 feet to any roofed or enclosed part of the principal building, and such structure shall conform to the open area, height, and front, side and rear setback requirements of the district in which such building is located except as permitted by § 756-36 of this Code.<sup>[1]</sup>

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

- (2) Walks, drives, paved terraces and purely decorative garden accessories such as pools, fountains, statuary, flag poles, etc., where subject to "permanent structure" classification, shall not be permitted closer than three feet to an abutting property line other than a street line.
- (3) Fences, walls, architectural screening devices, driveway gates and arbors. The following regulations are established to ensure that the Village of Fox Point retains the openness and semirural character of its landscape.
  - (a) Permit required. No person shall erect or construct any fence, wall, driveway gate, architectural screening device or arbor, unless specifically exempted by the provisions of this subsection, on any property within the Village of Fox Point without having first obtained a permit from the Building Inspector and having paid the fee prescribed by ordinance. Retaining walls regulated by § 285-4 of this Code are exempt from the requirements of this subsection. A survey by a licensed surveyor shall be submitted with each application for a fence, wall, architectural screening device, driveway gate or arbor 10 feet or less from the lot line of the property. The determination of the Building Inspector as to proximity shall be final. When required, the survey shall show the location of the proposed fence, wall, architectural screening device, driveway gate or arbor in relation to the property line but need not depict any other aspect of the subject property. The Building Inspector shall deny a permit if the proposed fence, wall, architectural screening device, driveway gate or arbor is in the right-of-way or if its proposed location will impede visibility of vehicular traffic.
  - (b) Replacement or reconstruction. If an existing fence, wall, architectural screening device, driveway gate or arbor is substantially or completely destroyed or becomes deteriorated to

a material degree, it may be replaced or reconstructed in the same location, height and materials by first obtaining a permit, provided that it must be replaced or reconstructed within 12 months of being removed. All other replacement or reconstruction of existing fences, walls, architectural screening devices, driveway gates or arbors must fully comply with the terms of this section.

- (c) Temporary fences. Temporary safety, snow or deer fences of any type may be allowed in the discretion of the Village Manager for the purpose of safety, protection from the elements or protection from deer, for a period not to exceed 120 days, unless extended by the Village Manager. Temporary construction fences may be allowed in the discretion of the Village Building Inspector for the time that a building permit is in effect on the property.
- (d) Lake, bluffs and ravines. Where property abuts Lake Michigan, or is located on a bluff or a ravine in such a locale that construction of a fence, wall, architectural screening device, driveway gate or arbor would materially obstruct the aesthetic views of adjoining and surrounding property owners, the Building Inspector may deny a permit based upon his determination that there is a substantial negative impact upon the aesthetic enjoyment of surrounding properties. Any affected party may appeal the Building Inspector's determination to the Board of Appeals within 30 days of the Building Inspectors' determination. No fence, wall, architectural screening device, driveway gate or arbor shall be constructed on the side of a ravine or bluff in violation of § 285-3 of this Code.
- (e) Construction in right-of-way prohibited. Any fence, wall, architectural screening device, driveway gate or arbor that is erected in a street right-of-way or impedes traffic visibility may be removed by the Village of Fox Point at any time.
- (f) Definitions. For purposes of this subsection, the following terms shall have the following meanings; the terms "front yard," "rear yard" and "side yard" shall be defined as set forth in § 745-2 of this chapter:

**ARBOR**

Any structure intended to provide a support system for plantings or to designate an aesthetically pleasing outdoor seating or walk area.

**ARCHITECTURAL SCREENING DEVICE**

Any self-standing fence or wall type of structure employed for gardening, screening, ornamental, decorative, signage or landmark purposes.

**DRIVEWAY GATE**

A fence that opens and closes across a driveway.

**FENCE**

A structure which creates an enclosure, barrier or boundary, having a set or permanent location in the ground, or which is attached to something having a permanent location on the ground. A fence is considered to be a structure.

**FINISHED LOT GRADE**

Does not include berms, artificial hills and mounds.

**HEIGHT**

Does not include two inches of clearance at the bottom of the fence, nor does it include two inches in excess of the height limitation of the fence posts, nor a lighting device on the top of a wall.

**OPEN FENCE**

A structure of rails, planks, stakes, strung wire or similar material erected as an enclosure, barrier or boundary. Open fences are those with more than 50% of their surface area open for free passage of light and air. Examples of such fences include chain link, picket, rail and cyclone fences, which are not merely ornamental.

**ORNAMENTAL FENCE**

A structure whose primary purpose is to decorate, accent or frame a feature of the landscape or premises.

**SOLID FENCE**

A structure of rails, planks, stakes, strung wire or similar material erected as an enclosure, barrier or boundary. Solid fences are those with 50% or less of their surface open for free passage of light and air and designed to conceal from view the activities conducted behind them. Examples of such fences are stockade, board-on-board, board and batten, basket weave and louvered fences.

**WALL**

Substantially a solid masonry, wood, or composite structure which shall be self-supporting, but is not incorporated into an enclosed structure, and shall include any nonenclosed structure having as its purpose the denomination or accent of driveways or entryways. Any structure that satisfies the foregoing definition but which also fully complies with the requirements of one or more of the following, as determined by the Village Building Inspector, is excluded from this definition of "wall":

- [1] Signs. This exclusion applies if the wall is primarily intended to be a sign as regulated by Chapter **540** of this Code.
  - [2] Lights. This exclusion applies if the wall is intended primarily as a pediment to support a light fixture.
  - [3] Small size. This exclusion applies if the wall is smaller than three feet wide, and smaller than three feet deep, and smaller than five feet high.
  - [4] Retaining wall. This exclusion applies if the wall is intended primarily as a landscape feature for retaining soil and the top of one side of the wall is approximately at grade.
- (g) Construction standards. Fences, walls, architectural screening devices, driveway gates and arbors shall be constructed in such a manner that the "finished" side shall face the neighboring property. Fence posts shall be on the side of the fence facing the permit applicant's property. Fences shall be constructed of wood or other wood-simulated natural-appearing materials, wrought iron or other metal materials generally employed to obtain an aesthetically pleasing appearance. Open fences may be permitted; however, barbed wire, electric wire, chicken wire, or double- or triple-strand wire shall not be used in the construction of a fence, except as allowed by the Building Board.
- (h) Location and height restrictions. Subject to the following exceptions, a fence, wall, architectural screening device, driveway gate or arbor may be permitted up to the lot line in the side and rear yard of any property in Fox Point. A fence, wall, driveway gate or architectural screening device located in a rear or side yard shall not exceed a height of six feet from the finished lot grade and shall not project forward of the front line of the principal building. An arbor shall not exceed a height of ten feet from the finished lot grade and shall not project forward of the front line of the principal building.  
[Amended 2-14-2023 by Ord. No. 2023-01]
- [1] In the event a building is irregularly configured, such as an L- or V-shaped structure, or the building is located upon a corner lot, irregularly shaped lot, or lot which abuts upon more than one public or private road, such that there are or appear to be multiple front, side, or rear sides of the structure, the determination of the front, rear or side areas, as well as the determination of the location of any fencing, shall be referred by the Building Inspector to the Board of Appeals, which shall then review the matter without requirement of any appeal fee. The Board of Appeals shall treat the application as a request for a special exception, which shall specifically not be subject to the requirements applicable to zoning variances, and shall proceed in accordance



with Subsection **B(3)(j)** herein. The Board of Appeals shall consider the least obtrusive alternative, and any other criteria as set forth in the provisions of this chapter which serve to balance the interests of the applicant with the interests of the surrounding property owners.

- [2] No new fence, wall, architectural screening device, driveway gate or arbor shall be located beyond the front line of the principal building unless permitted by the Board of Appeals by special exception after a hearing, pursuant to the procedures described in Subsection **B(3)(j)** below. The Board of Appeals may grant a special exception under this subsection only if it finds that the fence, wall, architectural screening device, arbor or driveway gate is reasonably necessary to protect the safety of people residing on the property, in addition to the additional findings and conditions required by Subsection **B(3)(j)** below. Every special exception granted by the Board of Appeals for a driveway gate shall be conditioned upon the applicant filing with the Village Clerk/Treasurer the written approval of the Village Police Chief in consultation with the Fire Chief for the specific driveway gate and gate location that is proposed; and if such approval is denied, the special exception is thereby denied.  
[Amended 6-11-2013 by Ord. No. 2013-04]
- [3] If the rear of the applicant's lot abuts a neighbor's side yard, any proposed fence shall be an "open fence," unless the neighbor consents to an alternate type fence in writing.
- [4] An ornamental fence or architectural screening device may be allowed anywhere on the property without a permit, provided the fence or screening device does not exceed 3 1/2 feet in height and is set back in its entirety 20 feet or more from all boundaries of the property.
- [5] For purposes of this section, the side yard of any corner lot that abuts a road shall be treated as a front yard; however, if a building footprint is other than square or rectangular in configuration, the provisions of Subsection **B(3)(h)[1]** generally shall control over the provisions of this subsection.
- [6] The provisions of this section, the limitations set forth herein, and the requirement for a permit shall not apply to:  
[Amended 4-1-2012 by Ord. No. 2012-05; 11-10-2020 by Ord. No. 2020-06]
  - [a] Lands owned by the state, school district, county, Village or any other publicly held land, where fencing is employed for sport or recreational purposes such as baseball diamonds, backstops, swimming pools, playgrounds or any other public recreational or safety purpose;
  - [b] Private athletic or country clubs, or cemeteries, employing such fencing for similar uses as stated herein;
  - [c] Chicken enclosures for permitted keeping of chickens pursuant to § **579-17.5** of this Code;
  - [d] Beehives for permitted beekeeping pursuant to § **579-17.6** of this Code;
  - [e] Dog kennels or runs less than 120 square feet, provided such fencing is located no closer to any lot line of the property than is allowed for a principal structure on the property;
  - [f] Private residential swimming pool fencing; or
  - [g] Tennis court fencing, provided such fencing is located no closer to any lot line of the property than is allowed for a principal structure on the property unless modified pursuant to § **745-10G(3)**.
- [7] Notwithstanding the otherwise applicable height limitations stated elsewhere in this section, a fence may be constructed to a height of 11 feet from the finished lot grade

on property in the D Business District or the adjacent single-family residential use district along a lot line which separates a large business use from such single-family residential use. For purposes of this exception, a large business use is defined as a use conducted in the D Business District for which 150 or more off-street parking spaces are available to the business. Such a fence may be constructed on the top of a berm, provided the berm is constructed in compliance with the requirements of this Code and all applicable laws, and further provided that the height of the fence shall be measured from the finished lot grade as defined in this section. This exception is intended to allow a fence to be constructed which will screen the large business use from the abutting single-family residential use.

- (i) Maintenance. The owner, occupant or their agent shall keep all fences, architectural screening devices, walls, driveway gates and arbors structurally sound and maintained in a neat and attractive manner. The maintenance standards established in this section shall be enforced as provided in §§ **681-7** and **681-8** of the Village of Fox Point Code.
- (j) Special exceptions. A special exception to the height, size, material, design, setback or other physical standards set forth in this subsection or to allow a driveway gate may, upon filing a written application, be considered by the Board of Appeals after a hearing. The application must include an accurate visual rendering of the proposed wall, architectural screening device, driveway gate or arbor, along with a written statement outlining the applicant's need for the same. Notice of hearing shall be given to all property owners within a radius of 500 feet of the property upon which the fence, wall, architectural screening device, driveway gate or arbor is proposed to be constructed and the notice shall include the visual rendering submitted by the applicant. The Board of Appeals may grant the request for a special exception upon finding that the property owner has shown clear and convincing evidence to believe that the applicant has a legitimate need for the special exception and that granting the special exception will not adversely affect the health, safety or welfare of the community or the immediate area where located and will not impede the purpose, spirit and intent of this section, in addition to such other specific findings as may be required by other subsections of this section. Every special exception granted by the Board of Appeals shall be conditioned upon the applicant submitting the visual rendering to the Village Building Board and receiving the Building Board's approval of the architectural appearance, design and construction materials for the proposed fence, wall, architectural screening device, arbor or driveway gate, taking into consideration the existing development on the lot and in the surrounding neighborhood, and if the Building Board denies the application, the special exception is thereby denied.

- C. Residential accessory building and detached garage limitations. The following limitations apply to all lots in a residence district and also on all lots where the principal use is residential and the principal building is a single-family or two-family dwelling.  
[Amended 4-12-2022 by Ord. No. 2022-01]

- (1) Definitions.

#### **ACCESSORY BUILDING**

For purposes of this section, the term "accessory building" shall mean an accessory building as defined in § **745-2** of this Code, that is not a detached garage as defined herein.

#### **DETACHED GARAGE**

For purposes of this section, the term "detached garage" shall mean an accessory structure designed primarily to be used for parking passenger vehicles.

- (2) Size. Accessory buildings and detached garages shall be no larger than permitted by the district regulations applicable to the lot where located.
- (3) Number. The number of accessory buildings and detached garages on such lots shall be limited as follows:

## (a) Lots 25,000 square feet or less in size:

- [1] Detached garage. Not more than one detached garage is permitted. A detached garage is allowed without regard to whether there is also one or more attached garages on the premises.
- [2] Accessory building. Not more than one accessory building is permitted. Such accessory building is allowed without regard to whether or not there is also a detached garage.

(b) Lots greater than 25,000 square feet in size. In addition to accessory buildings permitted by Subsection **C(3)(a)**, above, one additional detached garage or accessory building, conforming to the size limitations described in Subsection **C(2)** above, may be permitted for every additional 25,000 square feet of lot size.

| <b>Lot Size</b>                                        | <b>Detached Garage(s) and/or Accessory Building(s) Permitted</b>                                                             |
|--------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|
| Greater than 25,000 square feet to 50,000 square feet  | One detached garage and one accessory building plus a total of one additional, whether a garage or accessory building.       |
| Greater than 50,000 square feet to 75,000 square feet  | One detached garage and one accessory building plus a total of two additional, whether garage(s) or accessory building(s).   |
| Greater than 75,000 square feet to 100,000 square feet | One detached garage and one accessory building plus a total of three additional, whether garage(s) or accessory building(s). |
| Further increments of 25,000 square feet               | Add one additional detached garage or accessory building per increment.                                                      |

- (4) Subject to applicable laws. Nothing herein shall be interpreted to modify to waive more restrictive requirements of applicable laws or Village ordinances. The open area limitations of this chapter continue to apply and may prevent construction of the size or number of accessory buildings or detached garages described herein.
- (5) Building code. All requirements of Chapter **756**, Building Construction, must be satisfied in addition to any requirements of this chapter.
- (6) Detached garage limited yard reduction. The side and rear yard provisions for a detached garage on a lot less than the required minimum width of 80 feet in B and C Residence Districts may be reduced by three inches for every foot less than 80 feet of lot width but to not less than five feet.
- (7) Minimum separation. No detached garage or accessory building shall be located closer than 20 feet to the principal building on an adjoining lot in residential use.
- (8) No limit on attached garages. Subject to such other provisions of the Fox Point Code as may regulate the construction of structures, there is no limit on the number of attached garages for the private use of the resident.

## D. Temporary structures.

- (1) Any temporary structure over 500 cubic feet in bulk shall require a building permit, except as follows:  
[Amended 6-11-2013 by Ord. No. 2013-04]
  - (a) No building permit is required for the placement of a trash receptacle for purposes of disposing demolition materials from a building or structure on the property in conjunction with a project for which a building permit has been issued, subject to the following. Such trash receptacle shall not be placed prior to the issuance of a building permit, or prior to

one week before commencement of demolition work, whichever is later. Such trash receptacle shall be removed within one week of completion of the demolition work, or when the work is suspended for more than seven days, or when the building permit expires or is terminated, whichever occurs first. Notwithstanding the foregoing, the Village Building Inspector may impose more restrictive requirements regarding trash receptacles as a condition of the building permit, which must be stated on the building permit when it is issued, or may be added by the Building Inspector after the permit is issued if the use of a trash receptacle was not shown in the plans submitted with the building permit application.

- (2) Every temporary structure shall comply with the front, side and rear yard requirements of the district in which it is located, except that such structure may be permitted anywhere on the lot with the approval of the Village Manager where in his opinion such structure where proposed to be located would not be detrimental to general community aesthetic values or enjoyment of use of adjoining properties.
- (3) Appeal from the decision of the Village Manager may be taken to the Board of Appeals.
- (4) No person shall build, place, or maintain any portable outhouse, privy vault, surface privy, dry closet, septic tank, or other moveable method of sewage disposal or cause the same to be built, located, placed, or constructed on any lot or premises within the Village limits except as follows:  
[Added 3-13-2012 by Ord. No. 2012-03]
  - (a) The Village Building Inspector may grant permission in conjunction with the issuance of a building permit. Such permission shall be expressly set forth on the face of the building permit and shall terminate upon the Building Inspector's determination that the project for which the building permit was issued has been substantially completed, or the expiration, suspension, or revocation of the building permit by the Village, whichever occurs first.
  - (b) The Building Inspector or Village Manager may grant a permit to allow such temporary structure for a special event or other limited use, based upon a determination by the Building Inspector or Village Manager that restroom facilities are not otherwise available or that restroom facilities are available but are not reasonably adequate for the size of the expected assemblage. Application for a permit under this subsection shall be made on the application form provided by the Village and shall be accompanied by the fee as established by the Village Board from time to time. For purposes of this subsection, the Building Inspector and Village Manager shall consider the proximity of existing restroom facilities without regard to whether such facilities are subject to payment of a fee for their use.
- (5) Enclosures for keeping of chickens that have been approved pursuant to § **579-17.5** of this Code and beehives that have been approved pursuant to § **579-17.6** of this Code, during such time that such permit has been approved and is in effect, shall not be subject to the requirements of this Chapter **745** except as expressly stated otherwise, and except as follows. The structure in its totality, including any fencing, covered enclosure, chicken coop, hive or any other structure or structural elements, shall be completely removed from the property within 15 days of the lapse, revocation or expiration of the permit. Violation of this section shall be subject to the penalties and remedies described in §§ **745-33** and **745-34** of this chapter in the event the requirements of this Chapter **745** differ from § **579-17.5** regarding any matter regulated therein, or differ from § **579-17.6** regarding any matter regulated therein, the most restrictive provision shall apply as determined by the Village Manager.  
[Added 11-10-2020 by Ord. No. 2020-06]

#### E. Unenclosed storage.

- (1) No camp, boat, house or other trailer, bus, boat, recreational vehicle, camp trailer on a truck, or truck over three-quarter-ton capacity may be stored or parked regularly on a lot in a residence district except within a garage or other enclosed storage structure except as hereinafter set forth:

- (a) For the period extending from April 15 to October 31 of each year, the following type of vehicle may be parked unenclosed on the driveway of a lot in a residential district, provided it is in actual use during such period and is not merely being stored, and that when parked it is sufficiently far in from the street as to not interfere with the view of operators of vehicles on the street, or on an adjacent intersecting street:
- [1] A camp trailer or boat on a trailer, in either case not exceeding 35 feet in length, and designed to be hauled by a passenger automobile.
  - [2] A recreational vehicle not exceeding 35 feet in length.
  - [3] A camp trailer on a pickup truck not exceeding three-quarter-ton capacity.
- (b) Open storage of any such vehicle may be permitted at any time with the approval of the Chief of Police or designee if such vehicle is effectively shielded from normal observation from the street or adjoining properties by landscaping, walls or fencing, and provided such storage is not between any portion of the building and an abutting street. No such permitted storage shall by reason of the permissive grant have any future claim to legal nonconforming use rights and such permissive grant may be rescinded at any time for due cause.<sup>[2]</sup>
- [2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- (c) Parking a vehicle as permitted above or storage as permitted above does not authorize the use of any such trailer, boat or truck for the housing (sleeping and/or eating) therein of any person, and such housing is a violation of this chapter.
- (2) Materials, equipment, supplies or waste.  
[Amended 9-11-2012 by Ord. No. 2012-11]
- (a) Definition. For purposes of this subsection, "materials, equipment, supplies or waste" shall mean the following: worn out or discarded material of little or no value, including but not limited to household appliances or parts thereof; machinery and equipment or parts thereof; vehicles or parts thereof; tools; iron, chain, brass, copper, tin, lead and other base metals; trailers, farm machinery and equipment or any parts thereof to be junked or demolished, taken apart or destroyed for salvage materials; lumber or building materials; rubbish, ashes, paper, dirt, stones, bricks, tin cans, boxes, barrels or other substances whatsoever; oil, kerosene, benzene, or other similar oil or oily substance or liquid; wood, brush, and any form of discarded vegetation; yard trimmings, grass clippings, foundry sand and industrial waste of any kind or description; sewage material removed from septic tanks and dry wells used in connection with sewage disposal systems; or any similar materials which constitute health, fire or safety hazards or which contribute to a blighting influence upon the immediate or surrounding area or other unsightly debris.
- (b) Prohibition; exceptions. No unenclosed storage of materials, equipment, supplies, or waste shall be permitted where such storage may be viewed from a public street or another property, except as follows:
- [1] Firewood. Firewood may be stored for use on the property as follows. Firewood must be neatly stacked and may be stacked not closer than two feet to any lot line and not higher than six feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. "Fence" as used in this subsection shall not include hedges or other vegetation. Notwithstanding the foregoing, wood piles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of this Code.
  - [2] Lawn and garden items. Lawn and garden items that are in regular seasonal use may be stored outdoors provided they are neatly arranged on the property. Such items may include but not be limited to outdoor furniture, planters, flowerpots, and grills.

- (c) Public nuisance. Violation of this Subsection **E(2)** is hereby declared to be a public nuisance.
  - (d) Nonexclusive authority. This subsection may be enforced by the Village Building Inspector, which shall be in addition to, and not to the exclusion or prejudice of, the matters enforced by the Village Building Inspector pursuant to Chapter **681**, Property Maintenance, of this Code.
- (3) In the case of such storage related to the construction, remodeling, or repairing of a building on the property, this regulation shall apply to items placed on the property and allowed to remain thereon more than one week prior to the commencement of such operation or more than one week after its completion.

F. Home occupations.

- (1) Restrictions. A home occupation may be permitted in residential zoning districts in the Village, in single-family or multifamily dwellings, together with accessory uses incidental thereto, subject to the restrictions described in this subsection "Home occupation" is defined as an accessory use of a dwelling carried on by one or more members of the immediate family residing in the premises, which is incidental and secondary to the use of the dwelling for residential purposes and does not change the character of the residence so as to adversely affect the residential character of the neighborhood. Home occupations shall be limited to professional and nonmanual labor, or nonindustrial type uses, and shall not involve the use of machinery or equipment not generally found or maintained on residential premises. A home occupation shall be conducted with minimal disturbance, or it shall be minimally apparent from the exterior of the building that any type of business activity is taking place on the premises, and without materially increasing traffic, noise or pedestrian activity on the premises or the surrounding neighborhood. No sign relating to the home occupation shall be visible from the exterior of the building.
- (2) Home occupation permit required. A home occupation shall be deemed a special use and shall require that an application for a home occupation permit be filed with the Building Inspector. A home occupation permit for a home occupation may be granted by the Building Inspector if he/she determines that such use shall not have an adverse impact on the residential aesthetics and residential character of the surrounding area. In making his/her determination, the Building Inspector shall consider, without limitation, the effects on the surrounding area of noise, pedestrian and motor vehicle traffic which may be generated by such use. A home occupation permit for a home occupation shall be subject to review every five years, or sooner if the Village receives a complaint concerning the use of residential property for home occupation purposes. A home occupation permit may be revoked upon a determination that the home occupation has adversely impacted the residential character of the surrounding neighborhood. Violation(s) of any portion of the Fox Point Code pertaining to noise, odors, hazardous materials and emissions generated as the result of a home occupation being conducted on a residential premises may serve as the basis for the immediate revocation or nonrenewal of a home occupation home occupation permit, as it is expressly intended that the impact of a home occupation on surrounding neighbors in any of the foregoing respects be of a far more minimal nature than is prohibited by the general regulations of the Village Code as to each of the foregoing matters.  
[Amended 11-11-2014 by Ord. No. 2014-08]
- (3) Permit exception. Home occupations shall expressly be prohibited without permit, except home occupation activities conducted solely by a resident of the household via telephone or employing only computer, facsimile and copy-type services, and which have no employees, clients or visitors to the premises.
- (4) Permit fee. A permit fee shall be paid at the time of filing the application for a home occupation permit, the amount of which shall be set by the Village Board from time to time.
- (5) Appeals. The Building Inspector's determination to deny the application for or the renewal or revocation of a home occupation permit may, upon written application, be reviewed by the Plan



Commission. Any denial of an application or nonrenewal or revocation of a home occupation permit to be heard by the Plan Commission shall not be heard until 14 days have elapsed from the date notice has been served, by first class mailing, to any and all surrounding residences or structures within 500 feet of the applicant's premises. The applicant shall bear the burden of identifying the property owners to whom notice shall be served and mailing the notice required hereunder. In making its determination whether to affirm or reverse the Building Inspector's determination, the Plan Commission shall take into consideration the same factors considered by the Building Inspector, including evidence or testimony of surrounding property owners. The determination of the Plan Commission shall be final.

[Amended 11-11-2014 by Ord. No. 2014-08]

G. Solar energy systems.

[Added 3-10-2020 by Ord. No. 2020-02]

- (1) Where permitted. Subject to the provisions of this Subsection **G**, solar energy systems are a permitted use in any district in the Village of Fox Point.
- (2) Approval procedure. No solar energy system shall be installed unless all applicable Building Code and Electrical Code requirements are met, including the issuance all necessary permits. Such permits cannot be issued until an application has been submitted and reviewed by the Building Board. In addition to the powers of the Building Board described in Chapter **19**, Article **II** of this Code, the Building Board shall have the powers described in this Section **745-7G**.
- (3) Conditions under which permitted.
  - (a) General. Unless modified by the applicable conditions described below or by the Building Board, solar energy systems are subject to all accessory structure provisions of this Code.
  - (b) Structure-mounted solar energy systems.
    - [1] Structure-mounted solar energy systems may be mounted on principal and accessory structures.
    - [2] Only structure-integrated and/or flush-mounted solar energy systems may be installed on street-facing structure elevations.
    - [3] In residential zoning districts, solar energy systems shall not extend more than three feet above the applicable maximum structure height limit for the subject structure type or more than five feet above the highest point of the roof line, whichever is less. In nonresidential zoning districts, solar energy systems shall not extend more than eight feet above the applicable maximum structure height limit.
  - (c) Ground-mounted solar energy systems.
    - [1] Ground-mounted solar energy systems are only permitted as an accessory use to an existing principal use of the lot where located, and only as an accessory structure.
    - [2] In residential zoning districts, ground-mounted solar energy systems shall not be located between the principal structure and an abutting street.
  - (d) Building Board modifications. The Building Board is directed to modify the requirements of this Code when an applicant shows that such standards significantly increase the cost of the system or significantly decrease its efficiency. In that event, the Building Board shall either approve the application as presented or conditionally approve the application subject to specified modifications that meet the intent of the Code as closely as reasonably possible while allowing construction of a solar energy system of comparable cost and efficiency. In every case, the Building Board shall not approve an application or a modification to this Code that jeopardizes the public health or safety. In the event of a conflict between this subsection and from the authority described in Wisconsin Statutes § 66.0401(1m), now or in the future, the Building Board is directed to apply the statutory standard to its consideration of solar energy system applications.

## § 745-8. Time-share property restricted.

[Added 4-19-2010 by Ord. No. 2010-07]

- A. Time-share property, as defined herein, shall be subject to all of the following requirements:
- (1) The property must be owned in such a way, and must include such uses, so as to subject the property to the regulations of Chapter 707, Wisconsin Statutes; and
  - (2) The property must fully and strictly comply with the requirements of Chapter 707, Wisconsin Statutes at all times; and
  - (3) The use shall be subject to a PDO Planned Development Overlay zoning amendment being granted, in accordance with all of the rules and regulations of § 745-21 of this chapter, prior to commencing such use, and must fully and strictly comply with the same at all times.
- B. Time-share property that does not satisfy the requirements of Subsection A of this section, above, is prohibited in the A-1, A-2, A-3, B and C Residence Districts in the Village of Fox Point. These regulations are intended to impose the same requirements upon property that is regulated by Chapter 707, Wisconsin Statutes, that are imposed upon physically identical property in the Village of Fox Point that is not in time share ownership.

## § 745-9. Condominium property restricted.

[Added 4-19-2010 by Ord. No. 2010-07]

- A. Condominiums, as defined in Chapter 703, Wisconsin Statutes, shall be subject to all of the following requirements:
- (1) The property must be owned in such a way, and must include such uses, so as to subject the property to the regulations of Chapter 703, Wisconsin Statutes;
  - (2) The property must fully and strictly comply with the requirements of Chapter 703, Wisconsin Statutes, at all times; and
  - (3) The use shall be subject to a PDO Planned Development Overlay zoning amendment being granted, in accordance with all of the rules and regulations of § 745-21 of this chapter, prior to commencing such use, and must fully and strictly comply with the same at all times.
- B. Condominium property that does not satisfy the requirements of Subsection A, above, is prohibited in the A-1, A-2, A-3, B and C Residence Districts in the Village of Fox Point. These regulations are intended to impose the same requirements upon property that is regulated by Chapter 703, Wisconsin Statutes, that are imposed upon physically identical property in the Village of Fox Point that is not in condominium ownership.

## § 745-10. Outdoor recreational areas and facilities.

Swimming pools, tennis courts, athletic fields, and other buildings or grounds used for leisure-time activities of a predominantly outdoor nature shall be permitted in those districts and subject to such regulations as are hereinafter designated.

A. General.

- (1) No such use shall be permitted in any case where it shall create a nuisance, a hazard, or otherwise result in a substantial adverse effect on the surrounding property values or on the enjoyment of such property, or be in any other way detrimental to the general public welfare. Every reasonable effort shall be made to prevent such effect through control of lighting,

attractive design and maintenance of structures, use of planting screens or attractive fences, careful placement on the site, and sensible regulation of use.

- (2) Adequate provision shall be made for off-street parking consistent with the need generated by the facility.

B. Classification. For purposes of regulation, such uses shall be classified as follows:

- (1) Public. Facilities owned and operated by a governmental agency for limited or general public use.
- (2) Private commercial. Facilities owned and operated by an individual or group for profit as a business, whether or not open to general public use.
- (3) Private noncommercial group. Facilities owned and operated by a group for exclusive use of the members of such group and their guests and not for profit as a business.
- (4) Private residential. Facilities owned by the individual, located on the same or adjoining lot to his residence, and intended solely for the use of his family and guests.

C. Public facilities. Such facilities may be permitted in any district as a principal or accessory use subject to the procedure hereinafter set forth.

D. Private commercial facilities. Such facilities may be permitted in an Institutional District as an accessory use, and in a "D" Business or "E" Semi-Business District as a principal or accessory use subject to the procedure hereinafter set forth.

E. Private noncommercial group facilities. Such facilities may be permitted in any district as a principal or accessory use subject to the procedure hereinafter set forth.

F. Procedure. The following procedure shall be complied with before public facilities, private commercial facilities, or private noncommercial group facilities are permitted.

- (1) The request for such use, together with site, building and operational plans, shall be submitted to the Village Board and shall be referred to the Plan Commission for its study and recommendation to the Village Board.
- (2) Any active use area or structure shall conform to the appropriate open area, height, and front, side and rear setback requirements of the district in which located, provided, however, that in no case shall a swimming pool, athletic field, or game court be permitted closer than 100 feet to an adjoining property line of a property in a residence district.
- (3) As a special exception, open area, height, front, side and rear setback requirements in effect pursuant to Subsection **F(2)** above may be reduced.
- (4) In acting on a request pursuant to Subsection **F(1)** above or on the question of granting a special exception pursuant to Subsection **F(3)** above the Plan Commission shall take into consideration the requirements of Subsection **A** above and shall also consider whether or not the proposed use is compatible with the area, is in keeping with the unique residential character of the community, and would result in substantial adverse effect upon surrounding properties.
- (5) The Plan Commission shall make its recommendation to the Village Board.
  - (a) The Village Board, taking into consideration the requirements above set forth and the recommendation of the Plan Commission, shall reject, grant, or grant with modification the request; provided that if the request includes a request for a special exception under Subsection **F(3)** above, it shall not be granted until after a public hearing has been held by the Village Board. Notice of such hearing shall be given as required for Board meetings, and in addition thereto, written notice shall be given to the owners of property abutting that on which the special exception would exist at least five days before such hearing by delivering such notice to a person of suitable age residing on the premises, or by mailing

such notice to the person residing on the premises as appears in the records of the Village for sending water bills, or if vacant property to the person who appears as owner on the records of the Village for real estate taxes. If notice is given by mail, it shall be mailed not less than seven days before the meeting.

(b) The notice shall give the time and place of the hearing and describe the special exception that has been requested.

(c) After such hearing, the Village Board, applying the requirements above set forth, shall reject, grant or grant with modification the special exception requested.

G. Private residential facilities. Such facilities may be permitted as an accessory use in any district permitting residential use, subject to the following:

(1) Backboards shall comply with the setback regulations and shall be in such location or so screened by building or vegetation that it will not substantially adversely affect the value or reasonable enjoyment or use of adjoining property, and will not present an unattractive appearance from the street or adjoining property. The Village Manager shall determine that the provisions of this subsection are complied with before a building permit is issued.

(2) Any active use area or structure shall conform to the open area, height, and front, side and rear setback regulations of the district in which located except as is otherwise provided.

(3) In the case of tennis, badminton or other similar areas for court games where size and proper orientation limit suitable locations, the aforesaid regulations may be modified by the Village Manager upon his determination that, as the regulations are modified, the facility will not substantially adversely affect the value or reasonable enjoyment or use of adjoining property and will not present an unattractive appearance from the street or adjoining property. In addition to this general requirement, the following requirements must be met:

(a) The location as proposed is justified in terms of logical utilization of the site.

(b) In no case shall any portion of the court area be closer than five feet to a lot line.

(c) Appropriate landscaping shall be provided.

[1] The plan for such landscaping shall be submitted to and approved by the Village Manager as meeting these requirements. Such landscaping shall thereafter be continuously maintained in good condition, so long as such court continues in existence.

[2] The Village Manager may from time to time instruct the owner to make changes in or additions to the landscaping when the Village Manager determines that because of the use being made of the court or adjoining premises, changes or additions to the landscaping are necessary for continued compliance with these provisions. Such instructions shall be promptly complied with.

(d) In those cases where the Village Manager has modified the height or any setback requirement (front, side or rear), every enclosure around a court for the containment of balls or birds, etc., shall be as open as reasonably possible to permit the passage of light and air, provided that the Village Manager may permit a canvas or plastic windbreak on such court enclosure upon his determination that there will still be compliance with these provisions.

(4) The power here given to the Village Manager to modify regulations does not apply to the above regulations in respect to backboards.

H. Swimming pools. In addition to the foregoing, swimming pools shall be subject to the following:

(1) Pumps, filter, and heating equipment shall in no case be closer than 20 feet to a property line and shall be adequately housed or screened and muffled.

- (2) Surfaced terraces, sundecks, and walks may be permitted no closer than five feet to a lot line where accessory to a private residential pool. In the case of public, private commercial or private noncommercial group pools, such accessory uses may be permitted no closer than 10 feet to a lot line.
- (3) Reasonable precautions shall be taken to insure the safety of the pool area and to prevent it from becoming an "attractive nuisance." Pools other than those classified as "private residential" shall be completely fenced so as to prevent the unregulated entrance of young children to the pool area.
- (4) Pools erected on top of the surface of the ground shall have the pool construction completely and adequately screened from the view of abutting properties by means of combined fence and landscape screen.
- (5) Pools other than those classified as "private residential" or "private noncommercial group" shall conform to the following:
  - (a) Water supplied to the pool shall meet state standards for pure drinking water.
  - (b) Adequate provision shall be made for separate shower, lavatory, and dressing facilities for men and women which are well lighted, ventilated and properly equipped.
  - (c) Pool construction shall be of concrete, steel, or other material having an impervious smooth surface and approved by the Director of Public Works/Village Engineer.
  - (d) Pool shape, design, depth, and slopes shall be such as to promote safe control of the bathers in the pool.
  - (e) Inlets must be submerged and produce uniform circulation without "dead" spots.
  - (f) Outlets must be of ample size and located at the pool low points.
  - (g) Hose connections must be of ample size and pressure to clean all the pool area.
  - (h) Overflow gutters must surround the pool and have a pitch adequate to carry off all overflow.
  - (i) Adequate steps or ladders shall be provided to allow safe emergence from the pool and shall be made of impervious material, easily cleaned, and must not collect water or retain water.
  - (j) A suction cleaner must be used to remove sludge, sediment and other accumulations.
  - (k) Recirculation systems shall consist of pumping equipment, hair and lint catcher, filters, and all necessary fixtures and connections; must be capable of a six-hour turnover of water; and must include disinfecting equipment.
  - (l) All equipment must be accessible, satisfactorily located and the equipment room adequately drained.
  - (m) Each pool shall have available a pH and residual determination outfit.
  - (n) If used at night, the pool shall be adequately lighted.

## § 745-11. Districts; Official Zoning Map.

For the purpose of this chapter, the Village of Fox Point is hereby divided into the following basic zoning districts: A-1, A-2, A-3, B and C Resident Districts; D Business District; E Semi-Business District, and F Institutional District. In addition to the basic districts, there is hereby created PDO, Planned Development Overlay District, and also Cultural Overlay District. Said districts are as shown and

indicated on a map of the Village of Fox Point entitled "Official Zoning Map No. 21 of the Village of Fox Point." Said map is on file in the office of the Village Manager.

## § 745-12. District boundary lines.

The district boundaries are either lot lines, the center line of streets or alleys, or the extension thereof, and where the districts designated on the Official Zoning Map which is a part of this chapter are approximately bounded by lot lines, streets or alleys, the lot lines or center line of such streets or alleys or the extension thereof shall be considered to be the district boundaries. Where the district boundaries are not shown as being either lot lines, streets or alleys or the extension thereof, unless otherwise indicated, they shall be construed to be parallel to and 120 feet from the nearest street, provided that if a lot line or an alley shall hereafter be platted and recorded paralleling within 30 feet of such district boundary, such lot line or center line of such alley shall thereupon be construed as the district boundary. In such cases, where a district boundary line divides a lot in single ownership, and where the majority of such lot is in the district requiring the lesser restrictions, these restrictions shall prevail for the entire lot, provided the area of the land located in the district with the greater restrictions does not exceed the open area requirement of said district for the erection of the proposed building.

## § 745-13. A-1 Residence District.

- A. Uses. In an A-1 Residence District, no building or premises, unless otherwise provided in this chapter, shall be erected or used except for dwelling, together with accessory uses incident to the permitted use, provided always accessory use does not constitute or become a public or private nuisance.
- B. Areas and yards. In an A-1 Residence District, no building may be erected, enlarged or altered except in conformity with the following:
- (1) The open area of a lot on which a dwelling is erected or proposed to be erected, together with the area of abutting land reserved for highway purposes, whether private or public, to the center line thereof, shall not be reduced to less than 40,000 square feet for each family. No building not erected for a dwelling shall occupy more than 10% of the gross area of the lot or exceed a height of 25 feet.
  - (2) A front yard of not less than 30 feet shall be provided for every building on a lot for which a setback is not hereinafter provided for. Every building shall be set back from the center line of each adjoining street or area reserved for highway purposes, or any extension or separated portion thereof hereafter established, not less than the street setback specified upon the Official Zoning Map, except that the following reductions may be made for corner lots from the setbacks specified on the Official Zoning Map: five feet when width of lot is more than 80 feet but less than 90 feet; 10 feet when width of lot is more than 70 feet but less than 80 feet; and 15 feet when the width of lot is 70 feet or less; provided, however, that no setback will be less than 15 feet plus 1/2 the width of the abutting road or area reserved for highway purposes.  
[Amended 9-11-2012 by Ord. No. 2012-11]
  - (3) A side yard of not less than 20 feet shall be provided for on each side of every building, except that in the case of lots existing as of May 6, 1958, and less than 100 feet in width measured at the narrowest place adjacent to the location of the dwelling, the side yard may be reduced by 1/4 of the difference between said width and 100 feet; provided, however, that the side yard shall in no event be less than 15 feet.
  - (4) A rear yard of not less than 20 feet shall be provided for every building.
  - (5) Every lot on which a building is erected shall have a minimum width of 120 feet.
  - (6) No single-family residence built or existing in this district shall have a height greater than 40 feet from the grade abutting the structure on the front side of the structure, with the exception



in that, upon application to the Board of Appeals, the Board of Appeals may grant a special exception on a lot of not less than 80,000 square feet in total area upon the following criteria:  
[Amended 2-9-2021 by Ord. No. 2021-01]

- (a) Special exceptions to the height limitations as hereinbefore set forth may be granted by the Board of Appeals upon consideration of the following:
  - [1] Reasonable compatibility with the character of the immediate neighborhood.
  - [2] Whether there will be unreasonable interference with the aesthetics and scenic views of residences in the surrounding area.
  - [3] Compatibility of the overall size of the structure in relation to the size of the lot.
- (b) For any special exception granted, an additional two feet of setback on all sides of the structure is required for each foot of additional height allowed.
- (c) In no event shall the Board of Appeals grant a special exception allowing a height greater than 55 feet.
- (d) For purposes of this subsection, the height of the building shall include the highest roof point of any interior portion of the structure which can be occupied, including but not limited to attic and storage structures and observatories which accommodate entry or occupancy by a person, but shall not include roof attachments such as chimneys, antennas or decorative cupolas.<sup>[1]</sup>
  - [1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- (e) The special exceptions herein are not deemed to be variances from this chapter, but an allowed height upon satisfactory compliance with the foregoing conditions.
- (f) The Clerk/Treasurer shall provide notice of Board of Appeals proceedings under this subsection to owners or occupants of properties the boundaries of which are within 500 feet of any boundary of the subject property.

## § 745-14. A-2 Residence District.

[Amended 2-9-2021 by Ord. No. 2021-01]

- A. Uses. In an A-2 Residence District, no building or premises, unless otherwise provided in this chapter, shall be erected or used except for dwelling, together with accessory uses incident to the permitted use, provided always accessory use does not constitute or become a public or private nuisance.
- B. Areas and yards. In an A-2 Residence District, no building may be erected, enlarged or altered except in conformity with the following:
  - (1) The open area of a lot on which a dwelling is erected or proposed to be erected, together with the area of abutting land reserved for highway purposes, whether private or public, to the center line thereof, shall not be reduced to less than 30,000 square feet for each family. No building not erected for a dwelling shall occupy more than 10% of the gross area of the lot or exceed a height of 25 feet.
  - (2) A front yard of not less than 30 feet shall be provided for every building on a lot for which a setback is not hereinafter provided for. Every building shall be set back from the center line of each adjoining street or area reserved for highway purposes, or any extension or separated portion thereof hereafter established, not less than the street setback specified upon the Official Zoning Map, except that the following reductions may be made for corner lots from the setbacks specified on the Official Zoning Map: five feet when width of lot is more than 80 feet but less than 90 feet; 10 feet when width of lot is more than 70 feet but less than 80 feet; and

15 feet when the width of lot is 70 feet or less; provided, however, that no setback will be less than 15 feet plus 1/2 the width of the abutting road or area reserved for highway purposes.

- (3) A side yard of not less than 15 feet shall be provided for on each side of every building.
- (4) A rear yard of not less than 20 feet shall be provided for every building.
- (5) Every lot on which a building is erected shall have a minimum width of 100 feet.
- (6) No single-family residence built or existing in this district shall have a height greater than 40 feet from the grade abutting the structure on the front side of the structure. For purposes of this subsection, the height of the building shall include the highest roof point of any interior portion of the structure which can be occupied, including but not limited to attic and storage structures and observatories which accommodate entry or occupancy by a person, but shall not include roof attachments such as chimneys, antennas or decorative cupolas.

## § 745-15. A-3 Residence District.

[Amended 2-9-2021 by Ord. No. 2021-01]

- A. Uses. In an A-3 Residence District, no building or premises, unless otherwise provided in this chapter, shall be erected or used except for dwelling, together with accessory uses incident to the permitted use, provided always accessory use does not constitute or become a public or private nuisance.
- B. Areas and yards. In an A-3 Residence District, no building may be erected, enlarged or altered except in conformity with the following:
  - (1) The open area of a lot on which a dwelling is erected or proposed to be erected, together with the area of abutting land reserved for highway purposes, whether private or public, to the center line thereof, shall not be reduced to less than 20,000 square feet for each family. No building not erected for a dwelling shall occupy more than 10% of the gross area of the lot or exceed a height of 25 feet.
  - (2) A front yard of not less than 30 feet shall be provided for every building on a lot for which a setback is not hereinafter provided for. Every building shall be set back from the center line of each adjoining street or area reserved for highway purposes, or any extension or separated portion thereof hereafter established, not less than the street setback specified upon the Official Zoning Map, except that the following reductions may be made for corner lots from the setbacks specified on the Official Zoning Map: five feet when width of lot is more than 80 feet but less than 90 feet; 10 feet when width of lot is more than 70 feet but less than 80 feet; and 15 feet when the width of lot is 70 feet or less; provided, however, that no setback will be less than 15 feet plus 1/2 the width of the abutting road or area reserved for highway purposes.
  - (3) A side yard of not less than 12 feet shall be provided for on each side of every building.
  - (4) A rear yard of not less than 20 feet shall be provided for every building.
  - (5) Every lot on which a building is erected shall have a minimum width of 90 feet.
  - (6) No single-family residence built or existing in this district shall have a height greater than 40 feet from the grade abutting the structure on the front side of the structure. For purposes of this subsection, the height of the building shall include the highest roof point of any interior portion of the structure which can be occupied, including, but not limited to, attic and storage structures and observatories which accommodate entry or occupancy by a person, but shall not include roof attachments such as chimneys, antennas or decorative cupolas.

## § 745-16. B Residence District.

- A. Uses. In a B Residence District, no building or premises, unless otherwise provided in this chapter, shall be erected or used except for dwelling, together with accessory uses incident to the permitted use; provided always the accessory use does not constitute or become a public or private nuisance.  
[Amended 11-11-2014 by Ord. No. 2014-08]
- B. Areas and yards. In a B Residence District, no building may be erected, enlarged or altered except in conformity with the following:
- (1) The open area of a lot on which a dwelling is erected, or proposed to be erected, shall not be reduced to less than 15,000 square feet for each family. No building not erected for a dwelling shall occupy more than 20% of the gross area of the lot or exceed a height of 25 feet.
  - (2) A front yard of not less than 30 feet shall be provided for every building on a lot for which a setback is not hereinafter provided for. Every building shall be set back from the center line of each adjoining street or area reserved for highway purposes, or any extension or separated portion thereof hereafter established, not less than the street setback specified upon the Official Zoning Map, except that the following reductions may be made for corner lots from the setbacks specified on the Official Zoning Map: five feet when width of lot is more than 80 feet but less than 90 feet; 10 feet when width of lot is more than 70 feet but less than 80 feet; 15 feet when width of lot is 70 feet or less; provided, however, that no setback will be less than 15 feet plus 1/2 the width of the abutting road or area reserved for highway purposes.
  - (3) A side yard of not less than 10 feet shall be provided for on each side of every building.
  - (4) A rear yard of not less than 20 feet shall be provided for every building, except one of not less than 10 feet shall be provided for a building used for or classified as an accessory use.
  - (5) Every lot on which a building is erected shall have a minimum width of 80 feet.
  - (6) No single-family residence built or existing in this district shall have a height greater than 40 feet from the grade abutting the structure on the front side of the structure. For purposes of this subsection, the height of the building shall include the highest roof point of any interior portion of the structure which can be occupied, including, but not limited to, attic and storage structures and observatories which accommodate entry or occupancy by a person, but shall not include roof attachments such as chimneys, antennas or decorative cupolas.  
[Amended 2-9-2021 by Ord. No. 2021-01]

## § 745-17. C Residence District.

- A. Uses. In a C Residence District, no building or premises, unless otherwise provided in this chapter, shall be erected or used except for dwelling, together with accessory uses incident to the permitted use, provided always the accessory use does not constitute or become a public or private nuisance.  
[Amended 11-11-2014 by Ord. No. 2014-08]
- B. Areas and yards. In a C Residence District, no building may be erected, enlarged or altered except in conformity with the following:
- (1) The open area of a lot upon which a dwelling is erected, or proposed to be erected, shall not be reduced to less than 10,500 square feet for each family. No building not erected for a dwelling shall occupy more than 15% of the gross area of the lot or exceed a height of 25 feet above the proposed grade of the ground.
  - (2) A front yard of not less than 30 feet shall be provided for every building on a lot for which a setback is not hereinafter provided for. Every building shall be set back from the center line of each adjoining street or area reserved for highway purposes, or any extension or separated portion thereof hereafter established, not less than the street setback specified upon the Official Zoning Map, except that the following reductions may be made for a corner lot from the

setbacks specified on the Official Zoning Map: five feet when width of lot is more than 80 feet but less than 90 feet; 10 feet when width of lot is more than 70 feet but less than 80 feet; 15 feet when width of lot is 70 feet or less; provided, however, that no setbacks will be less than 15 feet plus 1/2 the width of the abutting road or area reserved for highway purposes.

- (3) A side yard of not less than 10 feet shall be provided for on each side of every building.
  - (4) A rear yard of not less than 20 feet shall be provided for every building, except one of not less than 10 feet shall be provided for a building used for or classified as an accessory use.
  - (5) Every lot on which a building is erected shall have an average minimum width of 80 feet.
  - (6) No single-family residence built or existing in this district shall have a height greater than 35 feet above the lowest point of the lot grade abutting the structure. For purposes of this subsection, the height of the building shall include the highest roof point of any interior portion of the structure which can be occupied, including, but not limited to, attic and storage structures and observatories which accommodate entry or occupancy by a person, but shall not include roof attachments such as chimneys, antennas or decorative cupolas.
- [Amended 2-9-2021 by Ord. No. 2021-01]

§ 745-18. D Business District.

- A. Intent. This section is adopted for the promotion of the public health, safety and welfare such as to provide for adequate light, pure air, safety and ample parking facilities. It is intended that the uses specified in Subsection **C** shall be permitted, and the uses specified in Subsection **D** shall be conditional. It is further intended that site plan review is required for all conditional uses, per Subsection **D(2)(e)**, and site plan review is required for all permitted uses and conditional uses when exterior work is proposed per Subsection **E** and **§ 745-19**.  
[Amended 6-11-2013 by Ord. No. 2013-04]
- B. In a D Business District, no building, structure or premises shall be used nor shall any building or structure be erected, altered or enlarged except as provided below.
- C. Permitted uses. The following uses are permitted in the D Business District:
- (1) Business offices, defined as follows. A business office is use of a tenant space or building solely for administrative functions of an organization, with no retail or wholesale sales or services on site.
  - (2) Computer services, defined as follows: "computer service" is use of a tenant space or building for repair, maintenance and ancillary sales of computers, computer components, computer hardware and computer software, for retail customers.
  - (3) Financial service institutions, defined as follows. Financial services institutions are banks, savings banks, savings and loan associations, credit unions, and trust companies, as further defined and regulated by Chapter 404, Wisconsin Statutes, titled "Uniform Commercial Code - Bank Deposits and Collections," specifically excluding payday loan businesses, licensed lenders, pawnbrokers and community currency exchanges that are subject to licensure under § 138.09, 138.10 or 218.05, Wis. Stats., and institutions similar thereto.
  - (4) Offices of trade and professions licensed by a governmental agency, subject to the following limitations. For purposes of this subsection, trade offices are the use of a tenant space or building by an electrician, plumber, carpenter or person in a similar building or construction trade that provides licensed services off site within the Village and its environs. For purposes of this subsection, professional offices are the use of a tenant space or building by an architect, dentist, doctor, lawyer or other licensed person that offers services to people within the Village and its environs by a person with a degree from a four-year college or university that is listed on the U.S. Department of Education Database of Accredited Postsecondary Institutions and

Programs, or subsequent educational degree from such an institution, in a field closely related to the service offered.

D. Conditional uses.

(1) Uses. The following uses can be allowed by conditional use permit in the D Business District, pursuant to the conditional uses procedures described below:

- (a) Bowling alleys.
- (b) Dance, music or physical health studios.
- (c) Gasoline service stations.
- (d) Greenhouses.
- (e) Hotels and motels.
- (f) Personal wireless service facility (subject to criteria and procedures outlined in § 745-23).
- (g) Premises licensed to sell alcoholic beverages.
- (h) Restaurants except drive-ins.
- (i) Retail and services stores except commercial sale or purchase of guns.
- (j) Schools and day-care centers.
- (k) Television, video and photo production studios.
- (l) Theaters, except outdoor theaters.
- (m) Video game arcades.
- (n) Wholesale office or sample rooms.
- (o) Other uses found to be substantially similar uses to those listed here by the Village Plan Commission.

(2) Application. The applicant shall furnish on an application provided by the Building Inspector for referral to the Plan Commission the following information:

- (a) Name and address of owner and/or operator.
- (b) The specific interest of the applicant in the property. If the applicant is not the owner, all owners must be listed and sign as co-applicants.
- (c) Address and legal description of site.
- (d) Current survey of site showing existing improvements, if any.
- (e) Site plan of proposed project and, if requested, appropriate elevations, building and landscape information.
- (f) Such additional information as may be required by the Building Inspector, Health Officer, Police Department, Plan Commission, or Village Board.<sup>[1]</sup>

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

(3) Fee. The applicant shall pay a fee set by the Village Board from time to time.

(4) Plan Commission recommendation. The Village Plan Commission shall review the application and make recommendations to the Village Board on the following areas:

- (a) Whether conditions, if any, as found in Subsection **D(5)** should be recommended;

- (b) Whether there will be compliance with all other provisions of this chapter, including Subsection **F** of this section, except if the project is deemed to be of superior quality by the Plan Commission. Then, in such cases, the front setback shall not be less than 15 feet plus 1/2 the width of the abutting road or area reserved for highway purposes;
  - (c) Whether the approval of the application would impede the normal and orderly development and improvement of the adjoining properties or properties in the same D Business District;
  - (d) Whether adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;
  - (e) Whether adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public streets;
  - (f) Whether there will be compliance with all other applicable laws and regulations;
  - (g) Whether traffic entering or exiting the site is likely to endanger safety or cause congestion on nearby streets.
- (5) Conditions. Conditions which may be imposed as deemed necessary by the Village Board shall include:
- (a) Commencement, staging and completion dates.
  - (b) Types of construction.
  - (c) Landscaping.
  - (d) Planting or other screening.
  - (e) Parking.
  - (f) Fencing.
  - (g) Lighting.
  - (h) Hours of operation.
  - (i) Front, rear and side yard setbacks and whether parking within them is permitted.
  - (j) Operational plan.
  - (k) Highway access and loading provisions.
  - (l) Traffic circulation.
  - (m) Highway dedication.
  - (n) Deed restrictions.
  - (o) Sureties.
  - (p) Signs.
  - (q) Noise control.
  - (r) Special requirements characteristic to the use as may be deemed necessary to protect the aggregate property values of adjoining properties or the Village as a whole and/or to protect as provided in Subsection **A** above.
- (6) Public hearing. A public hearing may be held by the Village Board in the event of a favorable recommendation by the Village Plan Commission to consider the application, the recommendations of the Village Plan Commission, and other pertinent information.



- (7) Village Board action. After any public hearing, and after approval by the Village Board, the Village Board may authorize the Village staff to issue a conditional use permit with or without conditions after finding such conditional use or structure is in accordance with the purpose and intent of this section and any conditions shall be attached to the permit.
  - (8) Inspection. To ensure that the applicant has fulfilled the conditions for operation agreed to and made part of the conditional use permit, the Building Inspector may conduct a review within six months after the grant of the occupancy permit and report to the Plan Commission. If conditions are not being met, the Plan Commission shall do one of the following three: grant a continuation of time to achieve compliance, recommend a modification of the conditions, or recommend rescission of the conditional use designation to the Village Board. After the formal review period, the Building Inspector is empowered to review the subject Conditional Use at any time to ensure that the original conditions imposed on the use are being met. Failure to meet all conditions of the permit shall be cause for rehearing of the permit before the Plan Commission at which time the Plan Commission may recommend and Village Board approve or deny continuation of the conditional use.
  - (9) Limited exception for minor interior work. Separate conditional use approval is not required for an alteration to an existing building, structure or premises, if all of the following conditions are met:
    - (a) The use has been conditionally permitted by prior action of the Village Board;
    - (b) The approved use will not change as a result of the alteration;
    - (c) The total cost of the alteration as defined in Chapter **756** of this Code is \$5,000 or less; and
    - (d) No prior alterations have been made since the date of the Village Board's approval of the use.
- E. Plan review. To encourage a business environment that is compatible with the residential character of the Village, building permits that include any exterior work regarding permitted principal uses and conditional uses in the D Business District shall not be issued without site plan review and approval by the Village Board, pursuant to Subsection **F** of this section.
- F. Regulation. In a D Business District, no building may be erected, enlarged or altered except in conformity with the following:
- (1) Final site plans shall be submitted to and be subject to approval by the Village Board before a building permit shall be issued. Said site plans shall show the following: drainage, the location of all buildings, fences, walls, signs, lighting, installations, landscaped areas, off-street parking, and loading areas, the arrangement of internal and in-and-out traffic flow, and the relationship to immediately abutting streets and other property, all to be in conformity with the provisions of this chapter and other ordinances of the Village, and also in accordance with the following general principles as determined by the Village Board:
    - (a) The Village Board may choose to rely on the following considerations, without limitation:
      - [1] Buildings should not have a design or exterior appearance which is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.
      - [2] Buildings should not have a design or exterior appearance which is so identical with those adjoining as to create excessive monotony or drabness.
      - [3] Buildings should not have any exposed facade that is not constructed or faced with finished materials which are aesthetically compatible with the other facades, and building facades should present an attractive appearance to the public and to surrounding properties.

- [4] The facade which faces upon a street right-of-way should be finished with aesthetically pleasing materials.
  - [5] The relative proportion of a building to its neighboring buildings, to pedestrians and observers, or to other existing buildings should be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.
  - [6] Building rooflines and roof shapes. The visual continuity of roofs and their contributing elements (parapet walls, coping, and cornices) should be maintained in building development and redevelopment.
  - [7] Since the selection of building colors has a significant impact upon the public and neighboring properties, color should be selected in general harmony with existing neighborhood buildings.
  - [8] No building or sign should be permitted to be sited on the property in a manner which would unnecessarily destroy or substantially damage the natural beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in that area, or which would unnecessarily have an adverse effect on the beauty and general enjoyment of existing structures on adjoining properties.
- (b) No building or use should have a negative impact on the maintenance of safe and healthful conditions in the Village.
  - (c) No articles, goods, material, finished or unfinished product, incinerators, storage tanks, refuse containers, or like equipment should be kept outdoors, exposed to public view, or exposed to view from adjacent buildings and property. Garbage and refuse containers should be screened from the street and from neighboring facilities. The Village Board may permit the outdoor display of product or merchandise upon finding that such display is essential to a business use.
  - (d) Buildings and uses should serve to implement the Village's existing and planned stormwater drainage systems.
  - (e) Buildings and uses should provide for safe traffic circulation and safe driveway locations.
  - (f) Buildings and uses should provide adequate parking and loading areas. No loading dock or overhead door shall face upon a street right-of-way unless a determination is made by the Village Board to allow the same due to extraordinary circumstances.
  - (g) Buildings and uses should be provided with adequate public services as approved by the appropriate utility.
  - (h) Buildings and uses shall make appropriate use of open spaces and the Village Board may require appropriate landscaping and planting screens.
- (2) No building shall exceed two stories in height, excluding spires, towers, roofs or other architectural embellishments not usable for business purposes, provided that a balcony or mezzanine floor shall be considered as a story.
  - (3) No such permitted building shall be closer than 20 feet to any adjoining residence district, or closer than 10 feet to any lot line except in the case of "row" type buildings, where by mutual consent common walls are provided between adjoining buildings.
  - (4) Every building shall be set back from the center line of each adjoining street or area reserved for highway purposes, or any extension or separated portion thereof hereafter established, not less than the street setback specified upon the Official Zoning Map; provided, however, that no setbacks will be less than 15 feet plus 1/2 the width of the abutting road or area reserved for highway purposes.
  - (5) The provision of any exterior lighting shall be subject to Chapter **670**, Article **XI**, of this code regulating exterior lighting and any amendments thereto, or other ordinance enacted regulating

exterior lighting.

- (6) Unenclosed storage of merchandise, cartons, equipment, refuse or any other item which might detract from cleanliness, neatness and general attractiveness of the surrounding area shall not be permitted on the premises. Any enclosure provided for such purpose shall be subject to approval of the Building Inspector.
- (7) Off-street parking and loading areas shall be provided as follows:
  - (a) At least five parking stalls for automobiles shall be provided for each 1,000 square feet of gross area of a building exclusive of storage areas.
  - (b) The dimensions for parking spaces and aisles shall be as follows:
    - [1] Ninety-degree-angle parking, two-way traffic: stalls nine feet by 19 feet; aisles 25 feet wide.
    - [2] Sixty-degree-angle parking, one-way traffic: stalls nine feet by 21 feet; aisles 18 feet wide.
    - [3] Forty-five-degree-angle parking, one-way traffic: stalls nine feet by 20 feet; aisles 14 feet wide.
    - [4] Ninety-degree-angle parking, one-way traffic: stalls nine feet by 19 feet; aisles 22 feet wide.
  - (c) In addition to the required parking stalls, adequate driveways or space required for movement of automobiles on such parking area shall be provided.
  - (d) A lesser or greater number of parking stalls may be recommended by the Plan Commission on taking into consideration the location of the parking area, the type and use of building which the parking area is to serve, and other parking areas available in close proximity to the area being considered. Such recommendation will be effective only on approval by the Village Board.
  - (e) Such off-street parking area shall be surfaced and maintained reasonably dustless in accordance with standards prescribed by the Director of Public Works/Village Engineer and shall be adequately lighted when in use. In no case shall any portion of the paved parking area be closer than 20 feet to any adjoining residence district or to any street line lying between the business district and residence district, and said 20 feet shall be landscaped and maintained in an attractive manner.
  - (f) An off-street parking area, in addition to the defined off-street parking area, having an area at least 10 feet wide by 25 feet long and with a minimum fourteen-foot height clearance shall be provided for every 20,000 square feet or fraction thereof in excess of 3,000 square feet of building area used for commercial purposes.<sup>[2]</sup>
    - [2] *Editor's Note: Original Subsection (7)(g), regarding application for building compliance, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- (8) Vehicular access driveways shall be subject to the following regulations:
  - (a) The location and design of all vehicular access driveways from the public street to the premises shall be approved by the Director of Public Works/Village Engineer on the basis of providing reasonable service to the premises with the minimum interference to the normal, safe, and efficient movement of traffic and avoiding possible nuisance or adverse effect on the surrounding residential area.
  - (b) No vehicular access drives shall be permitted along that portion of a street where the opposite frontage is zoned exclusively for residential purposes, except where no other access is possible.

- (9) Adequate screening shall be provided under the circumstances and in the manner as follows:
- (a) Screening shall be provided along any property line adjoining a property zoned in a Residence District, and along that portion of a street where the opposite frontage is zoned in a Residence District.
  - (b) Such screening shall be of such a nature as to attractively and effectively screen from ordinary view the commercial operation and shall be subject to approval of the Director of Public Works/Village Engineer.
  - (c) If the screen is composed entirely of plant materials, it shall be of sufficient initial depth and height and of such plant varieties as to provide adequate visual screening within no more than two years and during all seasons of the year.
  - (d) Where architectural walls or fences are used, sufficient landscaping shall be used in conjunction with such fence or wall to create an attractive view from the residential side. Any wall or fence shall be not less than four feet nor more than six feet in height.
  - (e) Where the screen is for a parking area, it shall be sufficiently opaque to prevent the penetration of headlight glare.

## § 745-19. E Semi-Business District.

- A. Uses. In an E Semi-Business District, no building or premises shall be used nor shall any building or other structure be erected, altered or enlarged which is arranged, intended or designed to be used for any purpose except for the business purposes, exclusive of residential uses, hereinbelow set forth:
- (1) Administrative and public service offices.
  - (2) Professional offices.
  - (3) Real estate and insurance offices.
  - (4) Studios for photography, painting, music, sculpture, dance, or other recognized fine art.
  - (5) Banks, savings and loan, investment houses or other financial institutions.
  - (6) Subject to approval of the Plan Commission as being compatible to the restrictive character of the district:
    - (a) Any other office not involving on the premises the retail sale or the manufacture, assembly, warehousing or distribution of goods.
    - (b) Personal service facilities, such as beauty shops, travel agencies, funeral homes, and interior decorators.
  - (7) Accessory uses customarily incident to any of the above permitted uses.
- B. Regulation. In an E Semi-Business District, no building may be erected, enlarged or altered except in conformity with the following:
- (1) The provisions of § **745-18F** shall apply and be complied with.
  - (2) In keeping with the restrictive character of this district, the buildings erected therein and the treatment of site shall be subject to the following general standards:
    - (a) All facades of buildings shall be covered with finished facing material and shall be designed with adequate consideration of aesthetic appearance from rear and sides.
    - (b) The grounds surrounding the building shall be attractively landscaped and maintained.

- (c) A filing fee as described in Chapter **63** of this Code shall be paid to the Village at the time of filing an application that is required by this subsection or Subsection **A**.

## § 745-20. F Institutional District.

[Amended 3-12-2013 by Ord. No. 2013-01]

In the F Institutional District, no building or premises shall be used, nor shall any building be constructed or enlarged, and no exterior alterations shall be made to an existing building which is arranged, intended, or designed to be used for any purpose except in conformity with the following.

- A. Permitted uses. The following uses are permitted in the F Institutional District, subject to the limitations and conditions of Subsection **B** below.

- (1) Dwelling and residential uses accessory thereto as and when permitted in a B Residence District.
- (2) Buildings and adjoining grounds for:
  - (a) Schools and municipal purposes, including storage yards;
  - (b) Church services, exclusive of graveyards;
  - (c) Social clubs or lodges, except those the chief activity of which is a service customarily carried on as a business;
  - (d) Community recreational, cultural and social service purposes operated on a not-for-profit basis; and
  - (e) Including accessory uses incident to and reasonably necessary for the furtherance of any of the above permitted uses.
- (3) Convalescent or nursing homes or similar institutions for the accommodation of the aged or infirm.

- B. Limitations, conditions and procedure.

[Amended 9-20-2023 by Ord. No. 2023-04]

- (1) Written application for the use, construction or enlargement of premises or a building or for exterior alterations to an existing building shall be made to the Plan Commission, accompanied by such building plans, sketches, renderings, and site plans as the Plan Commission determines reasonably necessary to form an opinion. A filing fee as described in Chapter **63** of this Code shall be paid to the Village at the time of filing the application.
- (2) The Plan Commission shall study such application and make its report to the Village Board advising the Village Board whether or not the Plan Commission considers that the standards have been met. The standards to be applied are:
  - (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.
- (3) If the Plan Commission reports that in its opinion any one or more of the above standards have not been met, and the Village Board on motion duly adopted agrees with this report, then the application shall be considered denied.
- (4) If the Plan Commission reports that in its opinion the above standards have been met, or if the Plan Commission has reported that in its opinion any one or more of the above standards have

not been met and the Village Board has not agreed with the report of the Plan Commission, then the Village Board shall schedule a public hearing on the application.

- (5) Notice of such public hearing shall be given by publication at least once in the official newspaper of the Village and by mailing a copy of such notice to all property owners who own land abutting on the site or across a street from the site, not less than five days' prior to the hearing. Mailing shall be to the last known address of the respective property owners as appears from the records of the Village.
- (6) If after such public hearing it shall appear to the Village Board that the standards above set forth have been met, the application shall be approved; otherwise, it shall be denied.
- (7) The Plan Commission may recommend and the Village Board (whether or not recommended by the Plan Commission) may condition its approval upon the compliance with such requirements as appear reasonably necessary to ensure compliance with the above standards.

C. Exceptions. No review pursuant to Subsection **B** is required in the following limited circumstances:

- (1) For an alteration to the interior of an existing building or structure.
- (2) For an alteration to an existing building, structure or premises, if all of the following conditions are met:
  - (a) The use has been approved by prior action of the Village Board;
  - (b) The approved use will not change as a result of the alteration;
  - (c) The total cost of the alteration as defined in Chapter **756**, Building Construction, of this Code is \$5,000 or less; and
  - (d) No prior alterations have been made since the date of the Village Board's approval of the use.

D. Regulation. In an F Institutional District, no building may be erected or enlarged, and no exterior alterations shall be made to an existing building, except in conformity with the following:

- (1) Dwelling and accessory buildings shall conform with the provisions of § **745-16B**.
- (2) Off-street parking areas shall be provided for nonresidential buildings subject to the following:
  - (a) At least 117 square feet of parking area shall be provided for each seat on the basis of the posted or (in the case of proposed construction) the proposed seating capacity for a church, club, lodge, or hall for assembly. The parking square footage includes the area used for parking stalls and the driving areas between and at the end of rows of parking areas; it excludes the driveways leading into the parking area from streets, structures, other parking areas, etc. The dimensions for parking spaces and aisles shall be as follows:
    - [1] Ninety-degree-angle parking, two-way traffic: stalls nine feet by 19 feet; aisles 25 feet wide.
    - [2] Sixty-degree-angle parking, one-way traffic: stalls nine feet by 21 feet; aisles 18 feet wide.
    - [3] Forty-five-degree-angle parking, one-way traffic: stalls nine feet by 20 feet; aisles 14 feet wide.
    - [4] Ninety-degree-angle parking, one-way traffic: stalls nine feet by 19 feet; aisles 22 feet wide.
  - (b) In order to eliminate daily on-street parking around areas in which children are present and to eliminate on-street parking and loading of school buses, the following rules are adopted:



- [1] One parking space for employees, including teachers (part- and full-time), administrators (part- and full-time), and support staff (part- and full-time);
- [2] One and one-half parking spaces shall be provided per classroom to allow for visitor parking;
- [3] One space shall be provided for every five students 16 years and older;
- [4] Sufficient off-street parking spaces shall be provided for the safe and convenient loading and unloading of students as determined by the Director of Public Works/Village Engineer and Police Department based on the following criteria:
  - [a] Number of buses normally used;
  - [b] The time schedule of the buses;
  - [c] The size of the buses; and
  - [d] The traffic patterns.
- [5] The applicant shall indicate proposed location for future parking if the need arises as determined by the Police Department;<sup>[1]</sup>
  - [1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- [6] The parking square footage includes the area used for parking stalls and the driving areas between and at the end of rows of parking areas; it excludes the driveways leading into the parking area from streets, structures, and other parking areas, etc.;
- [7] The dimensions for parking spaces and aisles shall be as follows:
  - [a] Ninety-degree-angle parking, two-way traffic: stalls nine feet by 19 feet; aisles 25 feet wide.
  - [b] Sixty-degree-angle parking, one-way traffic: stalls nine feet by 21 feet; aisles 18 feet wide.
  - [c] Forty-five-degree-angle parking, one-way traffic: stalls nine feet by 20 feet; aisles 14 feet wide.
  - [d] Ninety-degree-angle parking, one-way traffic: stalls nine feet by 19 feet; aisles 22 feet wide.
- (c) Such off-street parking area shall be surfaced and maintained reasonably dustless in accordance with standards prescribed by the Director of Public Works/Village Engineer and shall be adequately lighted when in use.
- (d) No portion of the parking area or of any driveway shall be closer than 15 feet to an adjoining residence district or the lot line of any lot on which there is an existing residence as of May 6, 1958, or closer than five feet to any street, or closer than 10 feet to any lot line, provided that by written mutual consent and agreement of owners of adjoining nonresidential property filed with the Building Inspector, this ten-foot setback may be reduced or eliminated, and no setback is required where a lot line abuts on property on which a railroad track is maintained.
- (e) Where offset areas are required by Subsection **D(2)(d)** above, such areas shall be landscaped and kept free from refuse and debris, and screening provided in conformity with the following:
  - [1] Such screening shall be of such nature as to attractively and effectively screen from ordinary view the parking area and shall be subject to the approval of the Director of Public Works/Village Engineer.

- [2] If the screening is composed entirely of plant materials, it shall be of sufficient initial depth and height and of such plant varieties as to provide adequate visual screening within no more than two years from the date of its planting and during all seasons of the year.
  - [3] Where architectural walls or fences are used, sufficient landscaping shall be used in connection with such fence or wall to create an attractive view from the abutting property or street, and any wall or fence shall be not less than four feet nor more than six feet in height.
  - [4] Such screening shall be sufficiently opaque to prevent the penetration of headlight glare.
  - [5] Such screening may be eliminated between adjoining parking areas by mutual agreement of the adjoining property owners executed in writing and filed with the Building Inspector.
- (3) The location and design of all vehicular access driveways from the public street to the premises shall be approved by the Director of Public Works/Village Engineer on the basis of providing reasonable service to the premises with the minimum interference to the normal, safe and efficient movement of traffic and avoiding possible nuisance or adverse effect on the surrounding residential area.
- (4) The provision of any exterior lighting shall be subject to Chapter **670**, Article **XI**, of this Code regulating exterior lighting and amendments thereto or other ordinance enacted regulating exterior lighting.
- (5) Whenever any building is erected or enlarged, or exterior alterations are made to an existing building, the use of the building must be one permitted by Subsection **A**, and the lot and said building shall meet the following requirements:
- (a) The lot shall have a minimum street frontage of 140 feet measured along the street which said building faces.
  - (b) The lot shall maintain a side yard on each side of such building with a minimum width of 20 feet in respect to a building 40 feet or less in length, plus the following. The total of the side yards on both sides of said building shall be an additional two feet for every additional four feet of length of the building along the street on which the building faces. This side yard calculation shall exclude any incidental connecting corridors of only one story at the ground level that link together otherwise separate buildings or structures for the convenience of enclosed access and the purpose of which is limited to ingress and egress between the connected buildings.  
[Amended 11-10-2020 by Ord. No. 2020-07]
  - (c) The building shall be placed and maintained on said lot.
  - (d) No such building shall cover more than 35% of the area of the lot on which it is erected or located.
  - (e) Every building shall be set back from the center line of each adjoining street or area reserved for highway purposes, or any extension or separated portion thereof hereafter established, not less than the street setback specified upon the Official Zoning Map; provided, however, that no setbacks will be less than 15 feet plus 1/2 the width of the abutting road or area reserved for highway purposes.
  - (f) No institutional building built or existing in this district shall have a height greater than 35 feet above the lowest point of the lot grade abutting the structure, excluding, however, from this height limitation religious institutions and spires, towers, chimneys and nonfunctional architectural embellishments.

- [1] For institutional uses, a special exception may be sought before the Board of Appeals from any height limitation, and the Board shall consider, without limitation by enumeration herein, the following:
  - [a] Reasonable compatibility with the character of the immediate neighborhood.
  - [b] Whether there will be unreasonable interference with the aesthetics and views from residences in the surrounding area.
  - [c] Compatibility of the overall size of the structure in relation to the size of the lot.
- [2] In no event shall the Board of Appeals grant a special exception allowing a height greater than 45 feet.

- E. Doctor's Park. Milwaukee County Doctor's Park, which is identified as Parcel Tax Key No. 0579999000, is located in the F Institutional District and is hereby zoned as a park, to the full extent and meaning of the words "zoned as a park" in § 59.17(2)(b)(3), Wis. Stats.  
[Added 4-12-2016 by Ord. No. 2016-02; amended 4-12-2016 by Ord. No. 2016-07]

## § 745-21. PDO Planned Development Overlay District.

- A. Intent. The regulations of this district are intended to allow for greater flexibility, variety of use, and design freedom than would be permitted by the standard application of basic district regulations, in the case of tracts of land of suitable size and appropriate location, where the unified and planned development of such tract and the increased flexibility, variety of use and design freedom would achieve optimum utilization of the site and produce a more aesthetically satisfying and economically desirable development than would result from the application of basic district controls.
- B. Application of regulations.
- (1) The regulations herein set forth shall be made effective as an "overlay" of permitted use upon the basic district to permit the planned development pursuant to the provisions herein set forth.
  - (2) Individual uses and structures as permitted and regulated by the basic zoning district shall continue to be subject to the regulations as already established unless they are part of a proposed planned development.
  - (3) Individual uses and structures in a planned development shall not be subject to the specific building location, size, yard, lot size, and open space requirements of the underlying basic district but shall be subject to the regulations hereinafter set forth governing such project.
  - (4) Normal standards relative to road design or other engineering matters may be modified in a planned development consistent with good engineering practice.
- C. Procedure.
- (1) Pre-petition conference. Prior to official submittal of a petition for consideration of a planned project, the petitioner shall meet with the Plan Commission for a preliminary discussion as to the scope and nature of the proposed development. The applicant shall pay a fee as described in Chapter 63 of this Code prior to the pre-petition conference.
  - (2) Petition. Following the preliminary 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. Such petition shall be accompanied by the following information:
    - (a) A statement describing the general character of the intended development along with such other information as would be pertinent to a determination as to the suitability and desirability of granting the proposed planned development on the particular site.

- (b) A general development plan of the project showing at least the following information and such additional information as may be required by the Plan Commission in a specific situation in sufficient detail to allow the Plan Commission and the Village Board to apply the criteria for approval as hereinafter set forth:
- [1] An accurate map of the project area, including its relationship to surrounding properties.
  - [2] Statistical data on total size of project area, area of open space, density computation and proposed number of residential units, population analysis, market analysis, economic analysis, impact upon municipal services and any other similar data pertinent to a comprehensive evaluation of the proposed development.
  - [3] The pattern of public and private roads, driveways, and parking facilities, and intended design standards.
  - [4] The size, arrangement, and location of lots or of proposed building groups.
  - [5] The type, size and location of structures.
  - [6] The location of sewer and water facilities, drainage facilities, stormwater retention or detention basins, and any and all plans to control or reduce flooding on the subject site, and from the subject site to any and all areas on or off the site, whether within or without the corporate limits of the Village.
  - [7] Architectural drawings and sketches illustrating the design and character of proposed structures.
  - [8] The location of recreational and open space areas and areas reserved or dedicated for public uses such as school, park, etc.
  - [9] General landscape treatment.
  - [10] Existing topography and storm drainage pattern and proposed storm drainage system showing basic topographic changes.
  - [11] General outline of intended organizational structure related to property owners' association, deed restrictions, and provision of services.
  - [12] Garbage, recyclable materials, yard waste, or hazardous material collection, storage and pickup facility plans.
- (c) A general summary of financial factors such as value of structures, estimated improvement costs, amount proposed for landscaping and special features, estimated sale or rental price, and total anticipated development cost of the project.
- (3) Referral to Plan Commission. Such petition shall be referred to the Plan Commission for study and investigation, including informal hearing if deemed necessary. The Plan Commission shall make its recommendation to the Village Board as to the appropriateness and desirability of the proposed development plans, and any changes or additional conditions applicable to such plans which it may feel necessary or appropriate.
- (4) Public hearing. Upon receipt of the Plan Commission's recommendation, the Village Board shall before taking affirmative action to approve such petition hold a public hearing on the proposal. Notice for such hearing shall include reference to the consideration of the specific proposed project development plans.

D. Permitted uses.

- (1) Any use permitted in the basic zoning district shall be permitted in a planned development.
- (2) Attached single-family and multiple-family dwellings with appropriate quality and character may be permitted in a planned development.

- (3) In addition to accessory uses permitted in the basic zoning district, such uses as a swimming or other recreational area, pavilion or similar use designed as an accessory amenity to the planned development may be permitted.
  - (4) When the planned development consists in whole or in part of residential units, each residential unit shall be occupied by only one family.
  - (5) The owner of property that is zoned for residential use and PDO Planned Development Overlay under this section may use a limited portion of such property for limited commercial office use upon initial and continuing compliance with all of the following requirements:
    - (a) The improvements to the subject property must include 250 or more residential dwelling units;
    - (b) No more than one unit of average size on the subject property shall be used for commercial office purposes, and such office operations are restricted to the interior of said unit;
    - (c) No exterior commercial sign(s) or interior sign(s) visible from the exterior shall be maintained on the subject property for the benefit of the commercial office purpose;
    - (d) The proposed commercial office use must not be incompatible with the residential use of the subject property as determined by the Village Board;
    - (e) The commercial office use must be owned and operated by the owner of the subject property;
    - (f) The requested office use must be expressly provided for within the development agreement required under Subsection F of this section or an amendment to such agreement that sets forth operational limitations, including, but not limited to, hours of operation and number of employees.
- E. Basis for approval. The Plan Commission in making its recommendations and the Village Board in making its determination shall give consideration and satisfy themselves to the following:
- (1) That the proposed development is consistent with the spirit and intent of this chapter, is in conformity with the general character of the Village and would not be contrary to the general welfare and economic prosperity of the Village or of the immediate neighborhood, but rather that the benefit from improved design of the resultant development justifies the variation from the normal requirements of this chapter through the approval of a planned development.
  - (2) That the proponents of the proposed development have demonstrated that they intend to start construction within a reasonable period following the approval of the project, that the project appears economically sound, that the proponents of the proposed development have the financial capacity to carry out the project as proposed and intend to commence and complete construction within a reasonable time from the date of approval.
  - (3) That the size, quality and architectural design of all buildings within the project will be compatible with the general character of the Village and specifically to the surrounding neighborhood. To arrive at such determination, the recommendation of the Building Board shall be obtained prior to the Plan Commission's report to the Village Board. Approval of individual building plans by the Building Board is not supplanted by this section.
  - (4) That the specific project plans have been prepared with competent professional advice and guidance.
  - (5) That setbacks shall be maintained along any boundary street of the project area as required by the basic zoning district.
  - (6) That no building shall be permitted closer to a side or rear boundary line of the project area than required by the applicable side or rear yard requirements of the adjoining zoning district abutting along a side or rear property line of the project.

- (7) That no building shall exceed the height limitation of the basic zoning district.
- (8) In the case of proposed residential developments:
- (a) That such development will create an attractive residential environment of sustained desirability and economic stability, compatible with the character of the Village and where the economic impact of the development in terms of income levels, property values, and service demands is substantially as beneficial to the community as that which could be anticipated under the basic zoning.
  - (b) That the population composition of the development will not substantially alter adversely the impact upon school or other municipal service requirements as anticipated under the basic zoning.
  - (c) That the project will not create traffic beyond the capacity of the street system to serve it, and shall provide adequate off-street parking based upon the need generated by the development.
  - (d) That the total average residential density of the planned development based upon the specific design characteristics of the development proposed will be compatible with the previously stated criteria. Specifically, the allowable density for a given development shall be computed by dividing the gross area of the proposed development exclusive of existing public right-of-way by the appropriate density factor as follows:
    - [1] Single-family dwelling: 10,000 square feet per dwelling.
    - [2] Single family attached or multiple-family dwellings as follows:
      - [a] One-bedroom: 4,000 square feet per dwelling unit.
      - [b] Two-bedroom: 4,500 square feet per dwelling unit.
      - [c] Three-bedroom: 5,000 square feet per dwelling unit.
  - (e) Where the proposed development area includes more than one dwelling type, the density computation shall be made on the basis of the proportionate ratio involved. An increase in the computed allowable maximum density not to exceed 20% may be permitted as an incentive reward where in the opinion of the Plan Commission the character and quality of the development and of the amenities provided justify the additional density allowance.
  - (f) That the plan would result in the preservation of open land in a manner which would enhance the total environmental setting and desirability of the development and compensate for any reduction in individual lot area requirements which are allowed.
  - (g) That adequate guarantee is provided for permanent preservation of the residual common open land area resulting from the application of these regulations by private reservation, as an enhancement to the development.
  - (h) The common open area to be reserved shall be protected against building development by conveying to the municipality as part of the conditions for project approval an open space easement over such common open areas restricting them against any future building or use except as is consistent with that of providing natural or landscaped open space for the esthetic and recreational satisfaction of the surrounding residences. Buildings or uses for noncommercial recreational or cultural purposes compatible with the open space objective may be permitted only where specifically authorized as part of the development plan or subsequently with the express approval of the Village Board following approval of building, site, and operational plans by the Plan Commission and the Building Board.
  - (i) The care and maintenance of such common open space reservations shall be insured either by establishment of appropriate management organization for the project or by agreement with the municipality for establishment of a special service district for the project area on the basis of which the municipality shall provide the necessary



maintenance service and levy the cost thereof as a special assessment on the tax bills of properties within the project area. In any case, the Village shall have the right to carry out and levy an assessment for the cost of any maintenance which it feels necessary if it is not otherwise taken care of to the satisfaction of the Village. The manner of assuring maintenance and assessing such cost to the individual properties shall be determined prior to the approval of the final project plans and shall be included in the title to each property.

- (j) Ownership and tax liability of private common open space reservations shall be established in a manner acceptable to the municipality and made a part of the conditions of the plan approval.
- (9) In case of proposed commercial developments:
  - (a) That the economic practicality of the proposed development can be justified on the basis of purchasing potential, competitive relationship and demonstrated tenant interest.
  - (b) That the proposed development will be adequately served by off-street parking and truck service facilities.
  - (c) That the locations for entrances and exits have been designed to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets, and that the development will not create an effect upon the general traffic pattern of the area substantially incompatible with that anticipated under the basic zoning.
  - (d) That the architectural design, landscaping, control of lighting, and general site development will result in an attractive and harmonious service area compatible with and not creating a substantially adverse effect upon the property values of the surrounding neighborhood.

F. Determination.

- (1) The Village Board, after due consideration, may deny the petition, approve the petition as submitted, or approve the petition subject to additional conditions. Such approval shall constitute approval of the specific project development plan.
- (2) The approval of a planned development shall be based on and include as conditions thereto the building, site, and operational plans for the development as approved, as well as all other commitments offered or required as regard to project value, character, or other factors pertinent to an assurance the proposed development will be carried out basically as presented in the official submittal plan. Detailed construction and engineering need not necessarily be completed at the time the project is approved but the approval of such preliminary plans is conditioned upon the subsequent submittal and approval of more specific and detailed plans as the development progresses.
- (3) The developer shall enter into an appropriate development agreement, in recordable form, with the Village to guarantee the implementation and continued maintenance of the development according to the terms of the conditions established as part of the development plan approval. Any change or modifications to such approvals or the development itself shall be accompanied by an amendment to the development agreement in recordable form, which amendment shall leave in full force and effect all prior development contract terms not specifically amended. Such contracts shall be binding upon the developer's successors and assigns and shall run with the land.
- (4) Any subsequent change or addition to an approved plan shall first be submitted for approval to the Plan Commission, and if in the Commission's opinion such change or addition is not substantial, it may recommend approval to the Village Board. If such change or addition is construed to be substantial, a public hearing shall be held prior to affirmative action by the Village Board on such recommendation.

- (5) Failure to comply with the conditions and regulations as herein established and as specifically made applicable to a specific project development shall be cause for termination of the approval for said project. At least 15 days' notice shall be given to the developer to appear before the Plan Commission and answer any such charge of noncompliance. If the Plan Commission finds the charges substantiated, they shall then submit to the Village Board recommendations as to specific steps to be taken to terminate the development as rapidly as possible if the situation is not satisfactorily adjusted within a specific period. Such a termination should be in a manner which will achieve the maximum degree of the intended development objectives consistent with environmental compatibility with the neighborhood and with the general welfare of the community.

G. Signage.

- (1) Where the planned development is a residential use, signs for the purpose of identification of the development may be erected and maintained in conformity with the procedure, requirements and standards set forth in Chapter **540** for signs in an institutional district.
- (2) Where the planned development use is commercial, signs or other devices for advertising the business conducted on the premises may be erected and maintained in conformity with the procedure, requirements and standards set forth in Chapter **540** for signs in a business district.
- (3) Signs indicating that a lot, parcel of real estate, or building is for sale or lease or has been sold may be erected and maintained in conformity with the procedure, requirements and standards set forth in §§ **540-4** and **540-5**, except that each for sale or lease sign may have a total area of not to exceed 32 square feet.

## § 745-22. Cultural Overlay District.

A. Uses.

- (1) The basic zoning in a Cultural Overlay District continues in effect and any and all uses as authorized by such basic district continue to be authorized subject to the provisions of this chapter in respect to such basic district.
- (2) In addition to uses authorized by the basic district, the following uses may be permitted in a Cultural Overlay District conditioned on compliance with the provisions of this section:
  - (a) Art gallery.
  - (b) Museum.
  - (c) Library.

B. Procedure. The procedure hereinafter set forth shall be followed before any use permitted by Subsection **A(2)** above is authorized. The applicant shall pay a fee described in Chapter **63** of this Code at the time of filing the application. There shall be filed with the Village Board:

- (1) A statement describing the general character of the intended use under this section, including the days of the week and the hours of day that people will be permitted in the premises.
- (2) An accurate map of the project area, including its relationship to surrounding properties.
- (3) Statistical data on total size of project area, area of open space, and impact upon municipal services.
- (4) The pattern of public and private roads, driveways and parking facilities.
- (5) General landscape treatment.
- (6) If a new building or addition or remodeling to an existing building is considered, then also architectural drawings and sketches illustrating the design and character of such proposed new

building or addition or changes.

- (7) General outline of the intended organizational structure related to ownership and operation of the project.
  - (8) Estimated financial factors, such as estimated cost of maintenance and operation and estimated source or sources of income.
  - (9) Such other information as the Village Board or the Plan Commission considers necessary to act under this section.
- C. Referral to the Plan Commission. Upon receipt of the above material the Village Board, if it believes the proposed project might be acceptable, shall refer the matter to the Plan Commission for study and investigation. Such Commission, if it desires, may have a public hearing, formal or informal. The Plan Commission shall make its recommendation to the Village Board as to the appropriateness and desirability of the proposed use, and any changes or conditions which it feels are necessary or advisable.
- D. Public hearing. Upon receipt of the Plan Commission's recommendation, the Village Board may or may not approve the proposed use. Before taking action to approve such use, the Village Board shall hold a public hearing on the proposal.
- (1) Notice of such hearing shall include reference to the consideration of the specific proposed project including a brief description thereof.
  - (2) Notice of such hearing shall be given by:
    - (a) Publication once each week for two weeks, the first such publication to be not less than three weeks prior to the date of the hearing, and
    - (b) Mailing a copy of such notice to the owner of each lot or parcel of real estate that is within 500 feet of the lot or parcel of real estate on which the proposed use will be exercised. Such mailing shall be made not less than three weeks prior to the date of the hearing. The owners of lots or parcels of real estate to whom notice is to be given shall be determined from the records of the Village for the levying of real estate taxes.
- E. Basis for approval. The Plan Commission, in making its recommendation, and the Village Board, in making its determination, shall give consideration to and satisfy themselves as to the following in respect to the proposed use:
- (1) That the proposed development is consistent with the spirit and intent of this chapter; is in conformity with the general character of the Village, and would not be contrary to the general welfare and economic prosperity of the Village or the immediate neighborhood.
  - (2) That the project appears economically sound and that there are or adequate arrangements have been made to reasonably assure the continued maintenance of the development.
  - (3) That the contemplated use will not:
    - (a) Cause material depreciation in property values in the immediate neighborhood, nor
    - (b) Materially adversely affect the use and enjoyment of property in the immediate neighborhood.
  - (4) The setbacks will be maintained along any boundary street of the project area as required by the basic zoning district.
  - (5) That no building will be permitted closer to the side or rear boundary line of the project area than required by the applicable side or rear yard requirements of the adjoining zoning district abutting along a side or rear property line of the project.
  - (6) That no building shall exceed the height limitation of the basic zoning district.

- (7) That the project will not create traffic beyond the capacity of the street system to reasonably serve it, and that there will be adequate off-street parking based upon the need generated by the proposed project.
  - (8) That the care and maintenance of the grounds and buildings comprising such project will be assured by the establishment of an appropriate management organization, or by the Village with the cost to be charged as a special assessment, and that the Village shall have the right to perform such maintenance work as it feels reasonably necessary to properly maintain the building and grounds, if this is not otherwise taken care of, and to levy the cost thereof as a special assessment. Any such special assessment shall be due and payable and collectible as all other special assessments, even though the property may be exempt from general real estate taxes, in whole or in part.
- F. Determination. The Village Board, after due consideration, including consideration of the report of the Plan Commission, may reject the project or approve the project as originally proposed or approve it subject to certain changes, modifications, provisions and conditions as the Board considers reasonably necessary.
- G. Deed restrictions; contract. The Village Board shall require that the owner of the property on which such project will be located and/or any organization involved in the management and operation of such project place on the property deed restrictions, or enter into such contract with the Village as the Village Board determines reasonably necessary to assure continued compliance with the provisions of this section, and containing such provisions and conditions as the Village Board deems proper to regulate the use and maintenance of any changes in the project. The Village Board may require both deed restrictions and a contract.
- H. Change. No change or addition to any project approved under this section shall be made without being first submitted to the Plan Commission for its report to the Village Board and then approval by the Village Board.
- (1) As a condition to the approval of any such requested change or addition to a project previously approved, the Village Board may require so much of the procedure for original approval of a project to be followed as it determines reasonably necessary in order to make a determination as to the proposed change or addition and may require modified or additional deed restrictions to be recorded or an amendment to an existing contract or a new contract, or both such deed restrictions and contract.
  - (2) If in the opinion of the Village Board a material change or addition is proposed, the Village Board shall hold a public hearing in respect thereto and give notice thereof as provided by Subsection **D** above prior to giving approval to the proposed change or addition.
- I. Building Board. Approval of a project pursuant to this section does not affect the necessity of approval by the Building Board in respect to any new construction or remodeling and the design and placement of any sign on the premises.

## § 745-23. Wireless telecommunications mobile service facilities.

[Amended 12-10-2013 by Ord. No. 2013-10]

- A. Purpose. This section is intended to regulate mobile service facilities to the full extent allowed by Wisconsin Statutes § 66.0404 and other applicable laws. Nothing herein is intended to regulate or to authorize the regulation of mobile service facilities in a manner that is preempted or prohibited by Wisconsin Statutes § 66.0404 or other applicable laws. These regulations apply equally to small wireless facilities, however, nothing herein is intended to regulate or to authorize the regulation of small wireless facilities in a manner that is preempted or prohibited by Subpart U to Part 1 of Title 47 of the United States Code of Federal Regulations or other applicable laws or regulations.

[Amended 4-9-2019 by Ord. No. 2019-03]

- B. Definitions. All terms used herein shall have the meaning described in Wisconsin Statutes § 66.0404(1). Mobile service support structures and mobile service facilities are referred to herein in some cases as "MSSF." "Small wireless facilities" as used herein shall have the meaning described in Part 1 Title 47 CFR Subpart U, § 1.6002(1).  
[Amended 4-9-2019 by Ord. No. 2019-03]
- C. New towers and facilities. The siting and construction of new mobile service support structures and facilities whether intended to serve small wireless facilities or any other MSSF, shall be subject to the following requirements:  
[Amended 4-9-2019 by Ord. No. 2019-03]
- (1) Application process. The applicant shall submit a written application which shall include all of the following information:
    - (a) The name and business address of, and the contact individual for, the applicant.
    - (b) The location of the proposed tower.
    - (c) The location of the mobile service facility.
    - (d) A construction plan which describes the tower, equipment, network components, antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new tower.
    - (e) An explanation as to why the applicant chose the proposed location, and why the applicant did not choose co-location, including a sworn statement from the responsible party attesting that co-location within the applicant's service area would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome.
  - (2) Determination of completeness within 10 days of submittal. The Village Building Inspector shall review the application and determine whether the application is complete. If the application includes all of the foregoing information, the application shall be found to be complete. The Village Building Inspector shall notify the applicant in writing within 10 days of receiving the application if it is found not to be complete, and such notice shall specify in detail the required information that was incomplete. Applicants are allowed to resubmit their applications as often as necessary until it is complete.
  - (3) Conditional use review procedure. The MSSF shall be a conditional use, and shall be reviewed pursuant to the following procedures:
    - (a) Plan Commission review. After an application and all required information has been filed, the Plan Commission shall review the matter and shall make a recommendation to the Village Board.
    - (b) Fee. Any petition shall be accompanied by a fee as set from time to time by the Village Board to defray the cost of notification and holding of public hearing. Costs incurred by the Village in obtaining legal, planning, engineering and other technical and professional advice in connection with the review of the conditional use and preparation of the conditions to be improved shall be charged to the petitioner. Such fee shall not exceed the limits established by Wisconsin Statutes § 66.0404(4)(d).
    - (c) Determination. The Village Board shall hold a public hearing, upon Class 2 notice as described in Chapter 985, Wisconsin Statutes. The Village Board shall make a decision on the application within a reasonable time after receipt of the Plan Commission recommendations, provided further that final action shall be taken within 90 days of receipt of a complete application unless the time extended by the petitioner. Said decision shall be stated in writing and a copy made a permanent part of the Village records. If conditional use status is not granted, the reasons therefor will be included in such record. A grant of conditional use status, subsequent changes or additions thereto and terminations thereof shall be recorded as follows:

- [1] An official record of such conditional grant shall be prepared by the Village Clerk/Treasurer on a form prescribed therefor which shall include the description of the use for which the grant is given and all conditions attached thereto. A copy of the completed form shall be recorded at the Milwaukee County Register of Deeds as a covenant on the title for the premises for which the conditional use was granted.
  - [2] The occupancy permit shall be appropriately noted as to the conditional status granted.
  - [3] Indication shall also be made on the Zoning Map by appropriate code number or symbol.
- (4) Requirements.
- (a) Siting standards.
- [1] AMSSF shall:
    - [a] Be substantially screened from public view and rights-of-way by trees, mature vegetation, natural features or structures on the subject property;
    - [b] Be completely camouflaged in a manner that is architecturally compatible with the structure on which it is mounted and integrated as an integral architectural element of the structure; or
    - [c] Not contain guyed towers or lattice towers.
  - [2] The screening required in this section may exist on the subject property or be installed as part of the proposed MSSF or a combination of both.
  - [3] No MSSF shall be located on a site containing a dwelling, nor be closer than 500 feet from a property line of an existing dwelling. No MSSF shall be closer than 500 feet from the property line of a vacant lot or vacant parcel in a residentially zoned district or a school, except as follows: The minimum setback from dwellings and schools may be reduced to no less than 100 feet for communications facilities that are up to 100 feet in height that are located on lots that have existing public utility, state, federal, Milwaukee County, or Village government structure(s) at the time of the application, and provided further that the Board finds in its consideration of the conditional use order that this reduction is appropriate and consistent with the intent of the Code under all of the facts and circumstances presented.  
[Amended 10-13-2015 by Ord. No. 2015-03]
  - [4] A MSSF shall be set back from all property lines a distance equal to the height of the MSSF and comply with any other zoning setback requirements, subject to the following. If an applicant provides the Village with engineering certification showing that the tower is designed to collapse within a smaller area than the radius equal to the height of the tower, the smaller area shall be used unless the Village has and provides to the applicant substantial evidence that the engineering certification is flawed. The front, side, or rear setbacks, building size, open space requirements, and use limitations of Chapter 745, may be modified by the Village Board in its consideration of the application and the standards of § 745-23, and shall be determined by the grant or denial of the conditional use permit. Due to the constraints of § 66.0404, Wis. Stats., and other laws, the conditional use approval procedures of this § 745-23 shall be the exclusive zoning approval procedure for a new or substantially modified MSSF, eliminating the need for any other procedural reviews or approvals described in Chapter 745, including but not limited to the review and approval procedures described §§ 745-18, 745-19 and 745-20; although the intent of such sections may be considered to the extent that they are relevant to the standards of this § 745-23.  
[Amended 10-13-2015 by Ord. No. 2015-03]



- [5] A side-mounted MSSF shall not project more than 42 inches from the side of a non-dwelling unit facade, shall not extend above the highest point of the roof of the structure and shall be screened and camouflaged as required herein. The MSSF shall not project into an easement, driveway or setback unless otherwise specified in the conditional use permit.
  - [6] An equipment cabinet shall be located within or adjacent to the structure on which a MSSF is placed, or located below natural grade underground, if site conditions permit and if technically feasible. An equipment cabinet shall be completely screened from view by compatible wall, fence or landscaping consistent with Village landscaping guidelines, except that an equipment cabinet larger than 144 cubic feet may not be required to be totally screened from view if the Village Board finds, at its discretion, that the cabinet has been designed with a structure or facade, materials, colors or detailing that effect a structure which emulates the residential character of the area.
  - [7] A security barrier shall be screened from view through the use of appropriate landscaping materials consistent with Village landscaping guidelines.
- (b) Design standards. The following design criteria apply to consideration of a conditional use permit for a MSSF, in addition to others which may be identified and utilized by the Village Board in its consideration of the conditional use permit or amendment thereto:
- [1] Appearance. The degree to which the MSSF "blends with" or "disturbs" the setting, the subject property and its character and use, or neighboring properties and their character and use; and to the extent allowed by law, the Village shall consider the cumulative visual effects of MSSFs and any mount, specifically their appearance or domination of the skyline, natural and structural features or terrain, in determining whether to approve a conditional use permit;
  - [2] Form. The degree to which the shape of the MSSF and any equipment cabinet relates to its surroundings;
  - [3] Color. A MSSF shall be in natural tones and a nonreflective color or color scheme appropriate to the background against which the MSSF would be viewed from a majority of points within its viewshed. "Natural" tones are those reflected in the natural features and structural background against which the MSSF is viewed from a majority of points within its viewshed. Final colors and color scheme must be approved by the Village Board;
  - [4] Size. The silhouette of the MSSF shall be reduced to minimize visual impact.
  - [5] Materials. Materials will be durable and maintain their aesthetic appearance.
- (c) Noise and environmental standards.
- [1] To the extent allowed by law, the following noise and environmental standards apply to consideration of a conditional use permit for a MSSF in addition to the monitoring requirements of this section:
    - [a] MSSF shall not generate noise in excess of 50 decibels (dba).
    - [b] An environmental assessment is required by the National Environmental Policy Act (NEPA) for any MSSF prior to commencing operations where any of the following exist: wilderness area; wildlife preserve; endangered species; historical site; Indian religious site; floodplain; high intensity white lights in residential neighborhoods. An environmental assessment which, at a minimum, conforms with FCC requirements shall be submitted to the Village for each MSSF where any of the above exists, and when the FCC requires such an environmental assessment to be submitted to the FCC. If the applicant has determined that an environmental assessment is not required pursuant to FCC rules, this article and applicable state law and Village Code, a written certification to that effect must be

submitted to the Village. If an application has not included an environmental assessment that the Village finds to be necessary under the National Environmental Policy Act, the Village may prepare, or cause to be prepared, such an environmental assessment at the applicant's expense. The environmental assessment shall be amended or revised by the applicant within 30 days after notice to do so from the Village when modifications are made or occur on the MSSF. Failure to amend or revise shall constitute grounds for revocation of the conditional use permit or amendment.

- [2] Within 90 days after the approval of the conditional use permit, and annually from the date of approval of the permit or amendment, the permittee shall submit existing and maximum future projected measurements of noise from the MSSF for the following:

- [a] Existing MSSF: maximum noise from the MSSF.
- [b] Existing MSSF plus cumulative: maximum estimate of noise from the existing MSSF plus the maximum estimate of noise from the total addition of co-located MSSFs.
- [c] Certification, signed by an acoustical engineer, stating that noise measurements are accurate and meet Subsection C(4)(c)[2](a) above.

(d) Co-location and limitations.

- [1] A permittee shall cooperate with other personal wireless service carriers in co-locating antennas and mounts, provided the proposed co-locators have received a conditional use permit for the use at such site from the Village. A permittee shall exercise good faith in co-locating other personal wireless service carriers and sharing the permitted site, provided such shared use does not give rise to a substantial technical level impairment of the ability to provide the permitted use (i.e., a significant interference in broadcast or reception capabilities).
- [2] All applicants shall demonstrate reasonable efforts in developing a co-location alternative for their proposal. Applicants choosing to construct a new mobile service support structure must provide an explanation as to why the applicant chose the proposed location and why the applicant did not choose co-location. Such explanation shall include a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that co-location within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible ; or is economically burdensome to the mobile service provider.
- [3] Failure to comply with the co-location requirements of this section may result in the denial of a permit request or revocation of an existing permit.

(e) Aesthetic requirements. The following aesthetic standards apply:

- [1] In areas where facilities are currently nonexistent or underground, undergrounding is required.
- [2] No new aboveground structures, including colocations on existing structures, shall be placed within 500 feet of an historic structure recognized as a historic landmark by the U.S. Department of the Interior, or the State of Wisconsin Historical Society. The 500-foot separation is waived for installations that are completely concealed from view, or are not visible from locations where the historic structure can be observed.
- [3] Attachments to existing structures shall be designed to be flush with the existing structure as much as can reasonably be done, shall be a color that matches the existing structure and shall be the smallest size possible to reasonably accommodate the intended purpose. If the structure to which the attachment is made changes color

due to repainting, resurfacing or other means, the attachment shall be modified to match the new color.

- [4] Any party objecting to the requirements of this Subsection **C(4)(e)** shall have an opportunity to demonstrate that the requirement constitutes an effective prohibition in violation of state or federal law, upon application to the Village Board, and the Village Board shall waive the requirement if it finds the standard to effectively prohibit the expansion of wireless technology in the Village or otherwise violate state or federal law.

(5) Permit limitations and general conditions.

- (a) In addition to the general authority of the Village to review a conditional use permit, the conditional use shall be reviewed in each of every fifth year after the date of permit approval. Continuation of the use after each such review shall be specifically conditioned upon continued compliance with all existing regulations affecting the MSSF.
- (b) The conditional use permit shall become null, void and nonrenewable if the permitted facility is not constructed and placed into use within one year of the date of Village Board permit approval, provided that the conditional use permit may be extended one time for six months if construction has commenced before expiration of the initial year.
- (c) The permit shall expire and the permittee must remove the MSSF if the use is discontinued for a period in excess of 90 days in any three-hundred-sixty-five-day period. A permittee shall notify the Village in writing at least 30 days prior to abandonment or discontinuance of the conditional use permit.
- (d) If the conditional use permit expires, terminates, is abandoned or revoked for any reason pursuant to this section, if removal of the MSSF is required in this article, or if the use is discontinued pursuant to this section, the MSSF shall be removed as required herein. If the MSSF is not so removed, the Village may cause the facility to be removed and all expenses of removal shall be paid by the owner of the land where the facility is located. If not paid by the owner within 30 days of notice by the Village, the Village's costs shall be charged against the property pursuant to Wisconsin Statutes Section 66.0627, and shall constitute a lien against the subject property. The term "remove" shall include but not be limited to the following:
- [1] Removal of antenna, equipment cabinet, security barrier from the site;
  - [2] Transportation of the antenna, mount, equipment, equipment cabinet or security barrier to a location off-site; if the location is within the Village limits, it is subject to approval by the Village.
  - [3] Restoration of the site of the MSSF to its natural condition, except that any landscaping and grading shall remain in finished condition.
- (e) The permittee(s) and the personal wireless service carrier shall jointly and severally warrant and represent to the Village and its residents the safety of the MSSF. The personal wireless service carrier and the permittee(s), upon granting of a conditional use permit or amendment for a MSSF use, shall indemnify, protect and hold harmless the Village, its officers and agents and residents, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney fees (collectively "liabilities") incurred by the Village arising directly or indirectly from: the MSSF use as contemplated herein and within the conditional use permit; and the installation and operation of the MSSF. The personal wireless service carriers' compliance with this section is an express condition of the conditional use permit and is binding on any and all of personal wireless service carriers or permittee(s) successors and assigns. The requirements of this section shall survive the termination of any such permit or amendment.

- (f) The permittee shall carry a commercial general liability insurance policy with limits of liability not less than \$1,000,000 general aggregate, \$1,000,000 personal injury and \$1,000,000 each occurrence. Permittee shall also carry umbrella liability insurance with limits of liability not less than \$10,000,000 each occurrence, \$10,000,000 aggregate. Coverage under either policy shall not contain a standard form pollution exclusion, nor shall it exclude claims or suits that arise from the effects of electromagnetic fields or radiation, if such coverage is available. The maximum deductible shall be \$5,000 per occurrence.
- (g) The permittee shall maintain the MSSF to standards that are imposed by the Village at the time of granting of a permit or amendment thereto. Such maintenance shall include, but shall not be limited to, maintenance of the paint, structural integrity and landscaping. If the permittee fails to maintain the facility, the Village may undertake the maintenance at the expense of the permittee or terminate or revoke the permit, at its sole option. If such maintenance expense is not paid by the owner within 30 days of notice by the Village, the permittee agrees that the Village's costs shall constitute a lien upon the subject property upon its execution and filing with the county recorder's office.
- (h) A conditional use permit or amendment granted to a permittee is specific to the owner and personal wireless service carrier and may not be assigned; provided, however, that the personal wireless service carrier may assign its interest in the permit to any subsidiary or other affiliate of the personal wireless service carrier. In the event of such assignment, the assignee shall re-execute the conditional use permit or amendment thereto within 30 days of the effective date of the assignment or the permit shall automatically expire. Permittee shall notify the Village of any change in ownership or operations of the MSSF at least 90 days prior to such change taking place for approval by the Village, which approval shall not be unreasonably withheld.
- (i) Where the Village Board finds that strict compliance with the requirements of this section may result in extraordinary hardship or are needed to ensure the Village's compliance with federal or state law, the Village Board may modify such requirements only upon a written showing by the permittee(s) of noncompliance with applicable law or extraordinary hardship so that substantial justice may be done and the public interest secured. "Hardship," as used herein, shall include, but not be limited to, a finding that special circumstances applicable to the property, including its size, shape, topography, location or surroundings, will deprive such property of privileges enjoyed by other property in the same classification in the same zoning district through the strict application of this chapter. In granting such modifications, the Village Board may require such conditions as will, in its judgment, secure substantially the objective of the standards or requirements so varied and modified.
- (j) Any violation of the terms of this section or the conditional use permit may result in revocation by the Village of the conditional use permit. The Village may revoke the conditional use permit upon 60 days' prior notice, if, in its sole judgment, it determines the MSSF poses a safety risk. If such safety risk(s) are not cured by the permittee within 60 days after notice from the Village, the Village may revoke or modify the conditional use permit. Acceptance of any portion of the conditional use permit is acceptance of the entire conditional use permit and the terms of this section.
- (k) Within 90 days after issuance of the FCC operational permit, the personal wireless service carrier shall provide a copy of such permit to the Village and register the MSSF, providing information and data as may be requested by the Village. Any change in the permit or registration data shall be filed with the Village within 30 days after the change is made. The personal wireless service carrier shall submit to the Village a copy of its FCC Form 600 prior to the Village's approval of final inspection of a building permit for the MSSF or portion thereof.
- (l) The Village and its agents are authorized to enter on the subject property and MSSF site for the purpose of inspection and determining compliance with this section and the

provisions of the conditional use permit.

- (6) Limitations upon authority. The Village review and action in the matter shall be subject to the limitations imposed by Wisconsin Statutes Section 66.0404(4). In the event the applicant believes the Village has exceeded its authority in this regard, the applicant shall notify the Village Board in writing and the Village Board reserves the right to reconsider the matter, to ensure that applicable laws are followed.

D. Modifications. The construction of modifications to an existing mobile service support structure or mobile service facility, and any installation of a small wireless facility on an existing structure, shall be subject to the following requirements:  
[Amended 4-9-2019 by Ord. No. 2019-03]

(1) Substantial modification.

- (a) Application and review process. A substantial modification is regulated the same as a new structure or facility, as described in Subsection C above, except that the required plans should describe the proposed modifications, rather than describe the new structure or facility.

(2) Not substantial modifications.

- (a) Application information. The applicant shall submit a written application that describes the applicant's basis for concluding that the modification is not substantial, and all of the following information:

[1] The name and business address of, and the contact individual for, the applicant.

[2] The location of the affected support structure.

[3] The location of the proposed facility.

- (b) Completeness determination within five days. The Village Building Inspector will determine whether the application is complete. If the application includes all of the foregoing information, the application shall be found to be complete. The Village Building Inspector must notify the applicant in writing within five days of receiving the application if it is found not to be complete, specifying in detail the required information that was incomplete. The applicant may resubmit as often as necessary until it is complete.
- (c) Fee. Any petition shall be accompanied by a fee as set from time to time by the Village Board to defray the cost of review. Costs incurred by the Village in obtaining legal, planning, engineering and other technical and professional advice in connection with the review of the conditional use and preparation of the conditions to be improved shall be charged to the petitioner. Such fee shall not exceed the limits established by Wisconsin Statutes § 66.0404(4)(d).
- (d) Determination. The Village Board shall make a decision on the application within a reasonable time after receipt of the Plan Commission recommendations, provided further that final action shall be taken within 45 days of receipt of a complete application unless the time is extended by the petitioner. Said decision shall be stated in writing and a copy made a permanent part of the Village records. If approval is not granted, the reasons therefor will be included in such record.
- (e) Limitations upon authority. The Village review and action in the matter shall be subject to the limitations imposed by Wisconsin Statutes § 66.0404(4), and such other laws as may apply which may include 47 U.S.C.A. § 1455. In the event the applicant believes the Village has exceeded its authority in this regard, the applicant shall notify the Village Board in writing and the Village Board reserves the right to reconsider the matter, to ensure that applicable laws are followed.

## § 745-24. Setback exceptions.

- A. Where the side or rear yard of a lot abuts on the east right-of-way of I-43, the setback required for either such side yard or rear yard as provided by the zoning district in which said lot is located shall be maintained except as hereinafter provided.
- B. On application to and approval by the Building Board, a building or structure for an accessory use may be located within the area otherwise required for a side yard or rear yard setback, provided it is not closer to the right-of-way line of I-43 than three feet, and landscaping adequate to shield such accessory building or structure from said right-of-way is planted and maintained.
- C. Application for approval of the construction of such building or structure shall be made to the Building Board along with such drawing or plat as said Board considers adequate to show the proposed location of such building or structure, and also to show the proposed location and type of planting that will be made and maintained to shield such proposed building or structure from the right-of-way. If the Building Board determines such planting is adequate to so screen said proposed building or structure and the building or structure otherwise complies with the Code of the Village of Fox Point, it shall approve the construction of such accessory building or structure and the landscaping; otherwise, it shall disapprove. The planting approved for such screening shall be done not later than one year after the granting of a building permit for the building or structure, and after being planted shall be maintained in a neat manner, and in the event of the death of any such planting, replacement shall be made.
- D. Failure to make the planting within the time herein provided or to maintain the same as herein provided shall constitute a violation of this section, and each day such condition continues to exist shall be a separate violation. In the event the Building Board determines that the planting does not meet the standards herein established, an appeal may be taken to the Board of Appeals as in other cases.
- E. The Building Inspector shall not issue a building permit for the construction of a building or structure located as authorized by this section until the landscaping required by this section has been approved as above provided.

## § 745-25. Special exceptions at boundary of zoning district.

- A. Where a use of property exists which is authorized in a zoning district (hereinafter referred to as "basic district") as a special exception, such use may be authorized to extend, not to exceed 40 feet, into property in a bordering zoning district (hereinafter referred to as "bordering district"), even though such use would not otherwise be permitted in the bordering district.
- B. Application shall be made to the Village Board requesting such extension. Such application shall be in writing signed by the owner of the property in the bordering district and shall set forth the use which exists in the basic district and which it is desired to extend into the bordering district and the reason such extension is requested. A filing fee as described in Chapter 63 of this Code shall be paid to the Village at the time of filing the application.
- C. The Village Board shall refer such application to the Plan Commission for its consideration. The Plan Commission shall consider the matter and report to the Village Board making its recommendation as to whether or not such extended use should be authorized, and may recommend that such extended use be subject to conditions and safeguards which it considers necessary to or desirable for the public interest, and to meet the requirements of this section.
- D. The Plan Commission in acting on the request shall take into consideration:
  - (1) Uses authorized in the basic district.
  - (2) The particular use existing on the property involved in the basic district.
  - (3) Uses authorized in the bordering district.
  - (4) The particular use existing on the property involved in the bordering district.



- (5) The character and use requested for the extended use, including proposed buildings and traffic layout.
  - (6) The character and use of property and buildings in the vicinity of the property which would be subject to the extended use.
  - (7) Such other matters as the Plan Commission considers germane to the question.
- E. The Plan Commission may recommend the authorization of the extended use if it is of the opinion that the extended use:
- (1) Will not be injurious to the other properties in the neighborhood and will not interfere with the use and enjoyment of their property by persons residing or working on other property in the neighborhood;
  - (2) Will not cause a substantial depreciation in the property value in the neighborhood; and
  - (3) Will be in harmony with the general purpose and intent of this chapter.
- F. On the receipt of the recommendation of the Plan Commission, the Village Board shall review the same and, applying the standards above set forth for the Plan Commission in considering the matter, shall make its own determination as to whether or not to authorize the extended use, and the Village Board may authorize such use or may deny it, or may authorize it subject to conditions and safeguards as above provided in respect to the Plan Commission in making its recommendation.
- G. Before taking action to authorize such use, the Village Board shall hold a public hearing on the proposal.
- (1) Notice of such hearing shall include reference to the consideration of the specific proposed extended use, including a brief description thereof.
  - (2) Notice of such hearing shall be given by:
    - (a) Publication once each week for two weeks, the first such publication to be not less than three weeks prior to the date of the hearing; and
    - (b) Mailing a copy of such notice to the owner of each lot or parcel of real estate that is within 500 feet of the real estate on which the proposed use will be exercised. Such mailing shall be made not less than three weeks prior to the date of the hearing. The owners of lots or parcels of real estate to whom notice is to be given shall be determined from the records of the Village for the levying of real estate taxes.
- H. Any extended use so granted is limited solely to that use. If the use of the property in the basic district is changed, this does not authorize the changed use in the bordering district.
- I. The above provision shall apply when the basic district is in another municipality, as well as when it is in the Village of Fox Point.
- J. Discontinuance of an extended use for a period of six months or failure to comply with all conditions and safeguards specifically made applicable to the extended use shall be cause for termination of the authorization of said extended use. At least 15 days' notice shall be given to the owner of the real estate on which the extended use is authorized to appear before the Village Board and answer any charge of noncompliance. If the Village Board finds the charges substantiated, it may terminate the authority for such extended use.
- K. Any person feeling aggrieved by the action of the Village Board in authorizing, including the authorization subject to conditions and safeguards, or refusal to authorize an extended use, or the termination of such authorization as provided in Subsection J above, may appeal to the Board of Appeals in the same manner provided by Wisconsin Statutes for appeals to the Board of Appeals.<sup>[1]</sup>

[1] *Editor's Note: Original Sec. 14.25, which immediately followed this section, was repealed 4-11-2006. See now § 745-4B.*

## § 745-26. Modification of open area.

- A. The open area, but not the setback requirement, for a lot in any residence district may be reduced as set forth herein, below the open area required by this chapter.
- B. Application shall be made to the Building Board which, along with other papers required for a building permit, shall include a plat plan showing, among other things, the location of the proposed structure on the lot, all in such detail as the Building Board may reasonably require.
- C. If the erection of the proposed structure will reduce the open area of the lot on which it is to be built more than 5% below the open area requirement for the lot, then the following additional obligations shall apply:
  - (1) The application to the Building Board shall include a plan, in such detail as the Building Board may require, showing: the location and type (Genus and species) of all trees six inches in diameter at breast height (dbh) or larger that are within the greater of the following areas (whether located on the subject parcel or elsewhere):
    - (a) Within 20 feet of the proposed structure; or
    - (b) Within an area that is affected in any manner by the proposed construction activity.
  - (2) Except as to any tree that is being removed, the "tree protection zone" of all trees that are three inches or larger dbh shall be preserved and protected from any disturbance, by the exclusion of all heavy equipment and heavy machinery. The tree protection zone shall be marked on the property. The tree protection zone shall mean that area around a tree trunk that extends vertically from the top of the tree canopy to 36 inches below ground level and horizontally in all directions from the outer edge of the tree trunk one foot for every inch of the tree's diameter at breast height (dbh).
  - (3) If any tree that the Village Forester deems to be desirable, and that is three inches or larger dbh, will be removed in conjunction with the construction, whether the tree is on public or private property, tree replacement is required. The Village Forester shall determine what replacement tree(s) is required. The replacement tree(s) required by the Village Forester shall have a total diameter at breast height (dbh) of 50% up to 100% of the total dbh of the removed tree(s). No replacement tree shall have a dbh of less than 1.5 inches.
- D. The reduction of open area shall be authorized when the Building Board, after its examination of the application and accompanying documents and after viewing the site of the proposed structure, has found as a fact:
  - (1) That the reduction of open area of the lot resulting from the erection of the proposed structure will not cause a substantial depreciation of the property values of the neighborhood; and
  - (2) That the erection of the proposed structure will not reduce the open area of the lot on which it is to be built more than 15% below the open area requirement for the lot.

## § 745-27. Public utility buildings.

Any building any portion of which will be above the grade of the lot on which it is erected which will be used by a public utility may be erected in any district in the Village, provided the provisions of this chapter, except the purpose for which the building is to be used, are complied with, and provided further the application for the building permit is referred by the Building Inspector to the Plan Commission and the Plan Commission determines that the building, when erected, is reasonably necessary for the public convenience and welfare and in harmony with the general purpose and intent of this chapter, and the Plan Commission may authorize the issuance of a permit subject to appropriate conditions and safeguards to accomplish such purpose.

## § 745-28. Property not in specified district.

In the event that there is any land in the Village of Fox Point which, as shown by the Official Zoning Map or amendments thereto, is not included in a zoning district, or if the provisions of the ordinance placing any land in a zoning district are held invalid by a court of competent jurisdiction, either in its entirety or as to a specific lot, piece or parcel of land, then each such lot, piece or parcel of land shall be considered as in a C Residence District.

## § 745-29. Enforcement by Building Inspector.

It shall be among the duties of the Building Inspector of the Village of Fox Point to see that the requirements of this chapter are met and the provisions thereof enforced insofar as lies within his power under the laws of the State of Wisconsin and the ordinances of the Village of Fox Point. Appeals from the decisions of the Building Inspector involving this chapter shall be taken to the Board of Appeals as provided for in § 62.23(7)(e), Wis. Stats., and acts amendatory thereof and supplementary thereto.

## § 745-30. Filing plans and specifications.

A copy of the complete plans and specifications for the erection or alteration of any permanent structure within the Village of Fox Point, including sewage disposal and water system, with all information necessary for the completion of the work, together with a statement of ownership and a survey of the property showing thereon the exact location of all existing and proposed buildings and systems; shall be filed with the Building Inspector, but no such work shall be commenced by any person without first receiving a permit from the Building Inspector, who shall issue or refuse such permit in writing within 20 days after proper application therefor.

## § 745-31. Certificate of occupancy.

No premises shall be occupied or used and no buildings now or hereafter erected or altered shall be occupied, used or changed until a certificate of occupancy shall have been issued by the Building Inspector of the Village of Fox Point stating that the building or proposed use of the building or premises complies with the provisions of the laws of the State of Wisconsin and the ordinances of the Village of Fox Point with respect to the health, building and zoning regulations.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

## § 745-32. Enforcement by peace officers.

Nothing in this chapter shall be construed to prohibit any officer of the Village of Fox Point with the powers of a peace officer from instituting proper proceedings for the restraint of violation of this chapter or the apprehension and punishment of a person violating any of the provisions of this chapter in the manner provided by law. Furthermore, the proper authorities or any adjacent or neighboring property owner who shall be specially damaged by violation of this chapter may, in addition to other remedies, institute an action or other proceeding pursuant to the provisions of § 62.23(7)(f), Wis. Stats., and all acts amendatory thereof and supplementary thereto.

## § 745-33. Continuing violations.

Each day during which a violation of this chapter exists, regardless of whether the violation occurred by reason of an act of commission or a mere failure to act or an act of omission, shall be deemed a separate and distinct offense.

## § 745-34. Violation and penalties.

- A. Any person violating, disobeying, circumventing, neglecting or refusing to comply with or resisting the enforcement of any of the provisions of this chapter shall be guilty of violation of this chapter, and, upon conviction thereof, shall be subject to all provisions, remedies, and penalties as set forth in § 1-4 of the Village Code.
- B. If any person shall sell, transfer or otherwise dispose of any portion of a lot subsequent to the application for and during the life of a building permit for the erection of a building upon said lot, issued pursuant to an application for such permit, or after the erection of a building whereby the area of said lot is reduced below the minimum requirement of this chapter, said person shall be guilty of a violation of this chapter and subject to the penalty therefor hereinabove provided.
- C. No person purchasing land within the Village of Fox Point whereby the transferor violates this chapter as specified in § 745-30 may include the area of the land so purchased as a portion of his lot for the purpose of computing the area thereof on application for a building permit, except insofar as the land so purchased was in excess of the amount required by the transferor at the time of the transfer in order that the transferor's lot might comply with the minimum requirements of this chapter applicable thereto.

## § 745-35. Amendments.

This chapter may be amended from time to time following the procedure as provided by Wisconsin Statutes then in effect for amendment of zoning ordinances.

## § 745-36. Board of Appeals.

[Amended 8-10-2010 by Ord. No. 2010-12]

- A. The Village President, pursuant to the Wisconsin Statutes, shall, subject to the confirmation by the Board of Trustees, appoint members and alternate members of a Board of Appeals with terms of office commencing April 1 and shall designate one of the members as Chairperson.
- B. The Board of Appeals shall have all the powers and authority vested in such a board by § 62.23(7)(e), Wis. Stats., and all acts amendatory thereof and supplementary thereto.
- C. In addition to the authority granted under § 62.23(7)(e), Wis. Stats., the Board of Appeals shall have the power and authority to grant a special exception from the dimensional requirements of this chapter where the Board of Appeals finds it necessary, based upon the facts of an individual case, to provide a reasonable accommodation to a disabled person, subject to the following. A special exception under this section may waive or modify the dimensional requirements of applicable zoning regulation(s) only to the extent reasonably required to provide a reasonable accommodation for the disability. A special exception shall not fundamentally alter the nature of a program (e.g., altering the fundamental purpose of the zoning regulation) or impose undue financial or administrative burdens on the Village of Fox Point. Dimensional requirements for which a special exception may be granted under this section are limited to open area, front yard, rear yard and side yard requirements of applicable zoning district regulations. A special exception granted under this section should generally expire upon the termination of the occupancy of the property by the disabled person, and the Board of Appeals may so condition the grant of the special exception and require the recording of a deed restriction setting forth the terms of the special exception and the termination thereof. For purposes of this section, "disability" shall be construed to have the meaning set forth in 42 U.S.C. § 12102, Title II of the Americans With Disabilities Act, and regulations pertaining thereto, as amended from time to time.

- D. The Board of Appeals may adopt such rules or regulations with respect to the time of its meetings and the procedure at its meetings as it may deem appropriate and shall, subject to the Wisconsin Statutes applicable thereto, specify the procedure pursuant to which appeals shall be taken to it, be heard and disposed of by it. All rules or regulations adopted by the Board of Appeals shall be reduced to written form, and the original thereof, identified by signature of the Chairperson of the Board, shall be filed in the office of the Village Clerk/Treasurer.
- E. Wherever in the ordinances of the Village of Fox Point reference is made to a Board of Appeals, it shall be deemed to refer to the Board appointed pursuant to this section of this chapter.
- F. In Board of Appeals actions involving special exceptions and variances, in addition to any notice requirements under any applicable state or federal law, or as otherwise provided in the Village of Fox Point Code, the Village Clerk/Treasurer, or his or her designee, shall provide notice by first class mailing to the owners or occupants of all properties within 500 feet of the subject property at least 21 days prior to any hearing or proceeding.
- G. A filing fee as described in Chapter 63 of this Code shall be paid to the Village at the time of filing any application with the Board of Appeals.

## § 745-37. Variances.

As a special exception, where there is a violation of this chapter and no order or decision of the Building Inspector has been made in respect to such violation, application may be made to the Board of Appeals for variance, and the Board shall hear and decide such application as though it was an appeal from an order of the Building Inspector requiring compliance with this chapter.

## **Exhibit 2**

### **Applicable Statute**

**Wis. Stat. Sec. 62.23(7)(de)**



is sent to all property owners. If the plan commission, the board of appeals, or the city plan committee of the city council completes action on any tentative recommendations that are noticed under subd. 1. a., proposed changes to a proposed district plan and regulations that are submitted under subd. 1. b., or proposed amendments that are submitted under subd. 2., and the city council is prepared to vote on the tentative recommendations, proposed changes to a proposed district plan, and regulations or proposed amendments, the city council shall send a notice, which contains a copy or summary of the tentative recommendations, proposed changes to a proposed district plan, and regulations or proposed amendments, to each person on the list whose property, the allowable use of which, may be affected by the tentative recommendations or proposed changes or amendments. The notice shall be by mail or in any reasonable form that is agreed to by the person and the city council, including electronic mail, voice mail, or text message. The city council may charge each person on the list who receives a notice by 1st class mail a fee that does not exceed the approximate cost of providing the notice to the person. An ordinance or amendment that is subject to this subdivision may take effect even if the city council fails to send the notice that is required by this subdivision.

- (da) *Interim zoning.* The common council of any city which has not adopted a zoning ordinance may, without referring the matter to the plan commission, enact an interim zoning ordinance to preserve existing uses while the comprehensive zoning plan is being prepared. Such ordinance may be enacted as is an ordinary ordinance but shall be effective for no longer than 2 years after its enactment.

62.23(7)(de)

(de) *Conditional use permits.*

1. In this paragraph:

- a. "Conditional use" means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by a city, but does not include a variance.
- b. "Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

2.

- a. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the city ordinance or those imposed by the city zoning board, the city shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.
  - b. The requirements and conditions described under subd. 2. a. must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the city relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The city's decision to approve or deny the permit must be supported by substantial evidence.
3. Upon receipt of a conditional use permit application, and following publication in the city of a class 2 notice under ch. 985, the city shall hold a public hearing on the application.
4. Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the city may impose conditions such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in the zoning ordinance or by the city zoning board.
5. If a city denies a person's conditional use permit application, the person may appeal the decision to the circuit court under the procedures contained in par. (e) 10. a., or if the decision is on an application for an approval, as defined in s. 781.10 (1) (a), under the procedures described in par. (e) 10. b.

(e) *Board of appeals.*

1. The council which enacts zoning regulations pursuant to this section shall by ordinance provide for the appointment of a board of appeals, and shall provide in such regulations that said board of appeals may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance in harmony with its general purpose and intent and in accordance with general or specific rules therein contained. Nothing in this subdivision shall preclude the granting of special exceptions by the city plan commission or the common council in accordance with the zoning regulations adopted pursuant to this section which were in effect on July 7, 1973 or adopted after that date.





# Legislature Curtails Municipal Conditional Use Permit Authority

Daniel M. Olson, Assistant Legal Counsel, League of Wisconsin Municipalities

The Wisconsin legislature enacted major changes to local zoning authority laws in 2017 that were urged and promoted by developers but described by its legislative supporters as a “homeowners” bill of rights. Nonetheless, the laws passed and the governor signed them. Significantly, the most important change to municipal land use powers included in the legislation, 2017 Wisconsin Act 67, impacts the conditional use permit (“CUP”) authority of all local governments, including cities and villages.

## Conditional Use Background

Zoning is a regulatory system designed to proactively improve the quality of land use patterns in communities and supplant the inefficient, expensive, and reactive nuisance litigation morass of the 19th century. These goals are typically accomplished by grouping compatible land use activities into zoning districts, which diminishes the negative impacts from incompatible uses.

Within the districts, certain land uses are deemed unlikely to adversely affect other uses in the district and are permitted without review. Other land use activities are only allowed as conditional uses in zoning districts even though they may be beneficial because they carry a high risk of negative external impacts on adjoining properties, neighborhoods or the whole community. These less compatible and less desirable land uses are commonly allowed only after individualized review by a zoning authority and subject to conditions designed to decrease the potential adverse impacts.

The traditional CUP system of the last 75-plus years provided cities and villages

with critical flexibility to accommodate risky land uses but protect the property values and investments of adjoining property owners, neighborhoods, and the whole community. The legislative changes to city and village CUP authority attacks that balance of interests by making the CUP decision process rigid and less able to protect other property owners and communities from the negative impacts of land uses traditionally categorized as conditional uses. A CUP system is now a much less desirable land use planning and regulation tool that cities and villages might reasonably abandon altogether.

## CUP Authority Changes

*The Municipality* published an article exploring the scope of CUP authority in 2008. See Zoning 495. Much of that article is still relevant and important to a full understanding of CUP authority in Wisconsin. However, the 2017 CUP law changes, a reaction to the Wisconsin Supreme Court’s 2017 decision in *AllEnergy v. Trempealeau County*, 2017 WI 52, 375 Wis. 2d 329, 895 N.W.2d 368, substantially altered CUP authority in several critical areas.

First, the law amends the zoning enabling statute to specify that any CUP “condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.” Wis. Stat. §62.23(7)(de)2.a. It also mandates that CUP requirements and conditions “must be reasonable and, to the extent practicable, measurable ....” Wis. Stat. §62.23(7)(de)2.b. These new obligations are problematic.

Prior to the change, general non-specific CUP requirements in zoning ordinances were reasonable and, thus legally permissible. Now, they must be based on substantial evidence and, where practicable, they must be measurable to be reasonable.

One challenge will be creating reasonable CUP requirements that are meaningful. Drafting an ordinance with reasonable requirements to govern the likely as well as all possible contingencies relating to a conditional use will be a very difficult task. A meaningful requirement that is legally reasonable in one circumstance may likely be unreasonable in another. That is due to the nature of conditional uses; their impacts vary based on location, which is why they were not classified as permitted uses in the first instance.

And, what should zoning officials make of the “substantial evidence” and “measurable” requirements? Must adoption or amendment of CUP ordinances be accompanied by a record that satisfies the substantial evidence threshold? Assuming we can figure out what “to the extent practicable” also means, how measurable does a CUP requirement have to be to comply with the new law? There are no answers to these questions in the statute and, the courts, through costly litigation, will likely be the only authority that might satisfy a disgruntled developer.

Second, what qualifies as substantial evidence – the information an administrative body is allowed to rely on in reaching its decision – is now defined by statute instead of case law. “Substantial evidence means facts and information,



## Legal

other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.” Wis. Stat. §62.23(7)(de)1.b.

While similar to what the substantial evidence test was, *see AllEnergy*, 2017 WI 52 at ¶ 76, it is clear that the change was enacted to try and limit the type of information a zoning authority can rely on in deciding whether to grant a CUP. It must not only be facts and information instead of personal preferences or speculation, but those facts and information must “directly pertain” to the requirements and conditions in the zoning ordinance or established by the zoning board.

It will be impossible to confine public hearing testimony from citizens to

only facts and information that directly pertains to CUP requirements and conditions. Most people do not have the kind of legal training or experience to provide wholly objective testimony at an informal zoning hearing. When this happens, are members of the zoning board legally permitted to redirect the testimony of the citizen without being challenged by the applicant as impermissibly biased? That is just one impact of the substantial evidence requirement.

The language prohibiting reliance on speculation for substantial evidence is another problem area. CUPs are inherently uses with higher risks of negative impacts on other uses. But, the negative impact varies from location to location. Therefore, is evidence about decreased property values or other negative impacts associated with a similar use at a different location speculation or

non-speculation about probable impacts at the proposed location?

Third, the city and village zoning enabling statute was amended to specify that “if an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the city ordinance or those imposed by the city zoning board, the city *shall* grant the conditional use permit.” Wis. Stat. §62.23(7)(de)2.a. (emphasis added). This language embraces a minority zoning legal theory the Wisconsin Supreme Court rejected in *AllEnergy* that “where a [CUP] applicant has shown that all conditions and standards, both by ordinance and as devised by the zoning committee, have been or will be met, the applicant is entitled to the issuance of a permit.” *AllEnergy*, 2017 WI 52 at ¶119.

Adding this legal principle to Wisconsin zoning law shifts the legal burden from

► p.23

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a CUP applicant to the municipal governmental body responsible for making the CUP decision. The municipality must establish a permit requirement or condition by ordinance or develop conditions that are based on substantial evidence provided at the hearing. The burden shifting limits the effectiveness of the entire CUP review process and moves CUPs much closer to permitted use status than might be desirable in most circumstances.

As already noted, the pre-hearing ordinance requirements are likely to be watered down and less meaningful in order to survive a reasonableness challenge since they will apply to all proposed CUPs that have highly variable impacts based on location. This will make CUP applications much harder to deny.

Public officials do not welcome zoning litigation. It is inefficient and costly. So, even assuming that they will have a solid understanding of substantial evidence, zoning board members will be very cautious with their authority to impose CUP conditions based on substantial evidence introduced at the zoning hearing. Again, the burden shifting will make CUP applications much more difficult to deny.

Could a CUP applicant preempt the entire CUP process by simply promising full compliance when he files the CUP application? Probably not because a public hearing is mandated and the zoning board is vested with some authority to impose conditions that are based on substantial evidence after the public hearing and before granting a permit. However, as long as the CUP applicant agrees to abide by all the requirements and conditions, zoning board discretion is nullified and it must grant the CUP.

### Responding to the Changes

The legislative changes did not reduce the adverse impact risks associated with conditional uses for adjoining properties, neighborhoods, or communities. The risks are still present and, absent a

municipal response, are now even greater given the reduced ability to address those negative externalities. So, cities and villages should consider their options given the new legislative restrictions on their CUP authority.

► p.24

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## Legal

Cities and villages can start with the knowledge that they are not legally required to have conditional uses in their zoning codes. Moreover, in most cases, the legislative decision by a city council or village board to include or not include a particular land use in a zoning district is essentially immune from legal challenge. The legislature may have severely curtailed city and village authority to deny a CUP request but it did not have any impact on city council or village board legislative discretion to classify land uses as conditional or permitted or determine how many, if any, conditional uses a city or village should have in a particular zoning district. So, one legally permissible response to the new laws might be elimination of all existing conditional uses in zoning districts or limiting them to a very select group of low-risk uses.

With the new laws, the legislature eliminated much of the prior legal authority cities and villages used to accommodate conditional uses while protecting property interests of adjoining landowners, the stability of neighborhoods, and the well-being of the whole community. Unless a city or village is willing to accept a conditional use in a zoning district – with much less ability to guide when and where it exists – then

eliminating them altogether or greatly reducing their availability is a reasonable and legally permissible response.

In addition, cities and villages will need to closely examine their existing conditional use permit requirements set by ordinance. As noted above, they must be reasonable, related to the purpose of the ordinance and, to the extent practicable, measurable. Thus, general requirements for CUPs commonly found in existing zoning ordinances are now suspect and subject to legal challenge. Instead, revised requirements should be information-based. In addition, a city or village will need to show that revised requirements are measurable, unless impracticable. And, if impracticable, they will need to be able demonstrate why.

### Conclusion

Conditional use zoning permits have been commonly used by cities and villages to allow riskier land use activities in zoning districts subject to review and conditions. 2017 Wisconsin Act 67 substantially altered the CUP review and condition authority cities and villages have used for the last 75 years. The status quo for conditional uses in Wisconsin has changed dramatically. Cities and villages must now decide how they will respond to these changes. Revisions to CUP requirements in zoning ordinances

will be necessary. A thorough review of conditional use designation and inclusion in zoning districts is also warranted.

### Zoning 523

#### About the author:

Daniel Olson is the Assistant Legal Counsel for the League. He provides legal assistance to municipal attorneys and officials through telephone inquiries, written opinions and briefs, workshop presentations, and published articles. He also assists in writing League handbooks and planning the Municipal Attorney's Institute. Daniel joined the League staff in 2001. Contact Daniel at [danolson@lwm-info.org](mailto:danolson@lwm-info.org)



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### **Exhibit 3**

## **Appraiser Opinion of No Detrimental Impact on Fox Point Residential Property in the Vicinity of Town Club Pickle Ball Courts**



HERRENBRUCK APPRAISALS, LLC

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PO BOX 170133  
MILWAUKEE, WI 53217

March 26, 2024

To: Christopher J Jaekels, Attorney for The Town Club

Re: The Town Club Opinion Statement on Property Values

I was contacted to express an unbiased opinion as to the impact on property values surrounding The Town Club in Fox Point, WI, if any, due to their outdoor sport courts and pickleball game use. I am not working as an advocate for any single party or entity.

It is my understanding that pickleball has been played on the outdoor courts at The Town Club for the past 3 years.

My research to determine any impact included an MLS search for all single family sales within the past 5 years within a ¼ mile radius from The Town Club that focused on resales of the same property. The results were 7 houses that sold twice within this time period, 2 of which were located within 500 feet of The Town Club grounds. Of the seven that resold, none sold for less than their prior selling price.

Further research was conducted in the adjacent community of Bayside, which is considered to be a similar market. Tennis and pickleball courts are located at Ellsworth Park in this community. An MLS search was conducted within 500 feet of these pickleball courts within the past 5 years. The search only resulted in only one sale. This sale also resold at a higher price than it's prior sale.

As a result of my research, no evidence was found to indicate that the outdoor sport courts and pickleball game use of these courts has a detrimental impact on property values in this market area.

Sincerely,



Todd Herrenbruck  
WI Certified Residential Appraiser

## **TODD HERRENBRUCK**

Wisconsin Certified Residential Appraiser #862-9

### **RESUME OF APPRAISAL AND RELATED EXPERIENCE**

HERRENBRUCK APPRAISALS, LLC

CERTIFIED RESIDENTIAL APPRAISER, OCTOBER 2015 - CURRENT

CHUDNOW DRUCK VALUATION, INC

CERTIFIED RESIDENTIAL APPRAISER, MARCH 2012 - OCTOBER 2015

APPRAISAL REPORTS, INC

CERTIFIED RESIDENTIAL APPRAISER, NOVEMBER 1995 – SEPTEMBER 1997

STRATEGIC MORTGAGE SERVICES (SMS)

CERTIFIED RESIDENTIAL APPRAISER, AUGUST 1992 – NOVEMBER 1995

### **OTHER REAL ESTATE RELATED EXPERIENCE**

KELLER WILLIAMS REALTY – North Shore Branch

SALES AGENT, OCTOBER 2014 – SEPTEMBER 2022

WELLS FARGO via RHI

SHORT SALE AUDITOR, AUGUST 2010 – APRIL 2011

JP MORGAN CHASE

WHOLESALE ACCOUNT EXECUTIVE

JULY 2007 – JULY 2008

WELLS FARGO HOME MORTGAGE

WHOLESALE ACCOUNT EXECUTIVE

DECEMBER 1999 – JULY 2007

IDEAL FINANCIAL SERVICES

MORTGAGE BROKER / LOAN OFFICER

AUGUST 1997 – DECEMBER 1999

**Jaekels, Christopher J.**

---

**From:** Todd Herrenbruck <info@herrenbruckappraisals.com>  
**Sent:** Tuesday, March 26, 2024 11:10 AM  
**To:** Jaekels, Christopher J.  
**Subject:** The Town Club opinion statement and resume  
**Attachments:** Opinion Statement The Town Club.pdf; RESUME OF APPRAISAL AND RELATED EXPERIENCE.pdf

Chris,

Attached is my opinion statement for The Town club and my resume.

Best regards,

**Todd Herrenbruck**  
**WI Certified Residential Appraiser**  
**Herrenbruck Appraisals, LLC**  
**414-331-1066**  
[www.herrenbruckappraisals.com/](http://www.herrenbruckappraisals.com/)

## **Exhibit 4**

### **Emails in Support of Pickle Ball Courts and Required Findings**

**(59 Signatories)**

## Abby Schroeder

---

**From:** Bill Ford <wfford@yahoo.com>  
**Sent:** Sunday, March 24, 2024 12:46 PM  
**To:** Abby Schroeder  
**Subject:** Re: [External] PLEASE READ AND RESPOND - OUR CLUB NEEDS YOUR HELP!

William Ford  
1550 E Goodrich Ln  
Fox Point, WI

I am in full support of the Town Club's plan to upgrade to dedicated pickleball courts at the south end of the campus.

I agree with the Plan Commission's December findings that the club's plan meets the 4 criteria for an Institutional District permit, and I believe that the plan will not create a nuisance or hazard nor be detrimental to the public welfare.

I hope that the Village Board will not allow the loud complaints of a few residents to outweigh the preferences of a much larger number of residents who benefit from the Town Club either as members or whose kids find the club to be an attractive employer.

-Bill Ford

On Friday, March 22, 2024 at 12:15:41 PM CDT, Abby Schroeder <abby@thetownclub.com> wrote:

Dear Members,

As you are aware, the Club has asked the Village of Fox Point for a permit to upgrade its existing tennis and pickleball facilities on the far south tennis courts. We have been met with some resistance from the surrounding residents, therefore this matter has been stalled with the Village Board. That matter is currently before the Village Plan Commission and Village Board. We are reaching out to all TC members who are also Village of Fox Point residents, to take a moment to reply to this email expressing your support for our pending pickleball permit request and that you believe that TC's request meets the provisions below. The Town Club must meet the following four requirements to qualify for the Institutional District permit.

Fox Point Code provisions for the Institutional District require the following findings:

1. Appropriate in the location proposed;
2. Compatible with the neighborhood;

## Abby Schroeder

---

**From:** Jonathan Bloom <jbloom358@yahoo.com>  
**Sent:** Saturday, March 23, 2024 8:30 AM  
**To:** Abby Schroeder  
**Subject:** Re: [External] PLEASE READ AND RESPOND - OUR CLUB NEEDS YOUR HELP!

Please accept this email as statement of support.

Sent from my iPhone

On Mar 22, 2024, at 12:15 PM, Abby Schroeder <Abby@thetownclub.com> wrote:

Dear Members,

As you are aware, the Club has asked the Village of Fox Point for a permit to upgrade its existing tennis and pickleball facilities on the far south tennis courts. We have been met with some resistance from the surrounding residents, therefore this matter has been stalled with the Village Board. That matter is currently before the Village Plan Commission and Village Board. We are reaching out to all TC members who are also Village of Fox Point residents, to take a moment to reply to this email expressing your support for our pending pickleball permit request and that you believe that TC's request meets the provisions below. The Town Club must meet the following four requirements to qualify for the Institutional District permit.

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1. Appropriate in the location proposed;
2. Compatible with the neighborhood;
3. Not detrimental to the property values of the surrounding property; and
4. In keeping with the residential character and quality of the Village.

The Planning Commission initially unanimously approved our permit based on the Institutional District requirements, however the Village is now stating that we also need to meet with code for an Outdoor Recreation permit.

The Code for Outdoor Recreation adds:

- Not a nuisance or hazard
- Not detrimental to the general public welfare



## Abby Schroeder

---

**From:** Stephen Spadafora <stephen.spadafora@gmail.com>  
**Sent:** Saturday, March 23, 2024 7:24 AM  
**To:** Abby Schroeder  
**Subject:** Re: [External] PLEASE READ AND RESPOND - OUR CLUB NEEDS YOUR HELP!

We Agree

Stephen and Julie Spadafora  
7731 N Club Cir, Fox Point, WI 53217

On Fri, Mar 22, 2024 at 12:15 PM Abby Schroeder <[Abby@thetownclub.com](mailto:Abby@thetownclub.com)> wrote:

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- Not detrimental to the general public welfare

We will be submitting letters of support to the Village prior to our April 1<sup>st</sup> Planning Commission. We will also be reaching out to members and residents for their support in person or via zoom at the Village's April Board Meeting on April 9<sup>th</sup>. We will follow up at a later date with more details regarding that meeting. If you have neighbors and friends in Fox Point, who are not members, but would be in support of our facility upgrades, please direct them to submit statements of support to Abby as well.

**If you agree, please reply to this email and send your statement of support to Abby Schroeder and include your name and address.**

Thank you for your continued support of our Club.

Peter Klug and Ryan Savage

--

Kind Regards,  
Stephen Spadafora

## Abby Schroeder

---

**From:** Emily <emilybarrett@gmail.com>  
**Sent:** Friday, March 22, 2024 10:17 PM  
**To:** Abby Schroeder  
**Subject:** Re: [External] PLEASE READ AND RESPOND - OUR CLUB NEEDS YOUR HELP!

I support this.

Emily Barrett  
8207 N Gray Log Ln, Fox Point, WI 53217

On Fri, Mar 22, 2024 at 12:15 PM Abby Schroeder <[Abby@thetownclub.com](mailto:Abby@thetownclub.com)> wrote:

Dear Members,

As you are aware, the Club has asked the Village of Fox Point for a permit to upgrade its existing tennis and pickleball facilities on the far south tennis courts. We have been met with some resistance from the surrounding residents, therefore this matter has been stalled with the Village Board. That matter is currently before the Village Plan Commission and Village Board. We are reaching out to all TC members who are also Village of Fox Point residents, to take a moment to reply to this email expressing your support for our pending pickleball permit request and that you believe that TC's request meets the provisions below. The Town Club must meet the following four requirements to qualify for the Institutional District permit.

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**If you agree, please reply to this email and send your statement of support to Abby Schroeder and include your name and address.**

Thank you for your continued support of our Club.

Peter Klug and Ryan Savage

## Abby Schroeder

---

**From:** Byron Vielehr <bvielehr@hotmail.com>  
**Sent:** Friday, March 22, 2024 8:38 PM  
**To:** Abby Schroeder  
**Subject:** Re: [External] PLEASE READ AND RESPOND - OUR CLUB NEEDS YOUR HELP!

I support the TC for the permits it is requesting.

Byron and Laurie Vielehr  
7944 N Beach Dr  
Fox Point Wi 53217

On Mar 22, 2024, at 10:15 AM, Abby Schroeder <Abby@thetownclub.com> wrote:

Dear Members,

As you are aware, the Club has asked the Village of Fox Point for a permit to upgrade its existing tennis and pickleball facilities on the far south tennis courts. We have been met with some resistance from the surrounding residents, therefore this matter has been stalled with the Village Board. That matter is currently before the Village Plan Commission and Village Board. We are reaching out to all TC members who are also Village of Fox Point residents, to take a moment to reply to this email expressing your support for our pending pickleball permit request and that you believe that TC's request meets the provisions below. The Town Club must meet the following four requirements to qualify for the Institutional District permit.

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**If you agree, please reply to this email and send your statement of support to Abby Schroeder and include your name and address.**

Thank you for your continued support of our Club.

Peter Klug and Ryan Savage



## Abby Schroeder

---

**From:** Cortney Roberts <ctbroberts@gmail.com>  
**Sent:** Monday, March 25, 2024 3:01 PM  
**To:** Abby Schroeder  
**Subject:** Re: [External] PLEASE READ AND RESPOND - OUR CLUB NEEDS YOUR HELP!

Yes, I agree.

Cortney Roberts  
413 E Apple Tree Rd, Fox Point, WI 53217

On Fri, Mar 22, 2024 at 12:15 PM Abby Schroeder <[Abby@thetownclub.com](mailto:Abby@thetownclub.com)> wrote:

Dear Members,

As you are aware, the Club has asked the Village of Fox Point for a permit to upgrade its existing tennis and pickleball facilities on the far south tennis courts. We have been met with some resistance from the surrounding residents, therefore this matter has been stalled with the Village Board. That matter is currently before the Village Plan Commission and Village Board. We are reaching out to all TC members who are also Village of Fox Point residents, to take a moment to reply to this email expressing your support for our pending pickleball permit request and that you believe that TC's request meets the provisions below. The Town Club must meet the following four requirements to qualify for the Institutional District permit.

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Thank you for your continued support of our Club.

Peter Klug and Ryan Savage

## Abby Schroeder

---

**From:** Jeremy Simon <jeremyesimon@gmail.com>  
**Sent:** Friday, March 22, 2024 7:03 PM  
**To:** Abby Schroeder  
**Subject:** Re: [External] PLEASE READ AND RESPOND - OUR CLUB NEEDS YOUR HELP!

Caught a typo! The below should be correct:

My name is Jeremy Simon, I live at 1404 E Bywater Lane, and I'm sharing my endorsement for the improvements proposed by the Town Club.

We moved to Fox Point in 2020 for the quality of life, fantastic schools and the strong sense of community. And we were just as excited to join the Town Club, an institution that for generations has anchored Fox Point's culture. As a social organization, it fosters togetherness, builds bonds between families, and promotes healthy lives through lifelong sports such as swimming, tennis, and pickleball.

Pickleball also offers an accessible activity for children, an athletic challenge for adults, and promotes active lifestyles as people approach retirement age and beyond. The proposed Town Club project is aligned with the standards of the Village's Institutional District and Outdoor Recreation permit. This space is already used for this specific purpose. It will enable the Town Club to build community for generations to come.

I ask that you share my enthusiasm and fully support the Town Club's request.

Thank you,

Jeremy Simon

---

**From:** Abby Schroeder <Abby@thetownclub.com>  
**Sent:** Friday, March 22, 2024 12:15 PM  
**Subject:** PLEASE READ AND RESPOND - OUR CLUB NEEDS YOUR HELP!

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We will be submitting letters of support to the Village prior to our April 1<sup>st</sup> Planning Commission. We will also be reaching out to members and residents for their support in person or via zoom at the Village's April Board Meeting on April 9<sup>th</sup>. We will follow up at a later date with more details regarding that meeting. If you have neighbors and friends in Fox Point, who are not members, but would be in support of our facility upgrades, please direct them to submit statements of support to Abby as well.

**If you agree, please reply to this email and send your statement of support to Abby Schroeder and include your name and address.**

Thank you for your continued support of our Club.

Peter Klug and Ryan Savage

## Abby Schroeder

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**From:** Blair Williams <blair@wiredproperties.com>  
**Sent:** Friday, March 22, 2024 4:42 PM  
**To:** Abby Schroeder  
**Subject:** Re: [External] PLEASE READ AND RESPOND - OUR CLUB NEEDS YOUR HELP!

I support the Town Club's request for a permit to upgrade the pickleball and tennis courts at the far south end of the campus. Pickleball and tennis are not a nuisance and hazard, and they are not detrimental to the general public welfare.

Blair and Stacy Williams  
7411 N Santa Monica Blvd

Regards,

Blair Williams  
*President*

Sent from my iPhone

On Mar 22, 2024, at 12:15 PM, Abby Schroeder <Abby@thetownclub.com> wrote:

Dear Members,

As you are aware, the Club has asked the Village of Fox Point for a permit to upgrade its existing tennis and pickleball facilities on the far south tennis courts. We have been met with some resistance from the surrounding residents, therefore this matter has been stalled with the Village Board. That matter is currently before the Village Plan Commission and Village Board. We are reaching out to all TC members who are also Village of Fox Point residents, to take a moment to reply to this email expressing your support for our pending pickleball permit request and that you believe that TC's request meets the provisions below. The Town Club must meet the following four requirements to qualify for the Institutional District permit.

Fox Point Code provisions for the Institutional District require the following findings:

1. Appropriate in the location proposed;
2. Compatible with the neighborhood;
3. Not detrimental to the property values of the surrounding property; and
4. In keeping with the residential character and quality of the Village.

The Planning Commission initially unanimously approved our permit based on the Institutional District requirements, however the Village is now stating that we also need to meet with code for an Outdoor Recreation permit.

The Code for Outdoor Recreation adds:

- Not a nuisance or hazard
- Not detrimental to the general public welfare

We will be submitting letters of support to the Village prior to our April 1<sup>st</sup> Planning Commission. We will also be reaching out to members and residents for their support in person or via zoom at the Village's April Board Meeting on April 9<sup>th</sup>. We will follow up at a later date with more details regarding that meeting. If you have neighbors and friends in Fox Point, who are not members, but would be in support of our facility upgrades, please direct them to submit statements of support to Abby as well.

**If you agree, please reply to this email and send your statement of support to Abby Schroeder and include your name and address.**

Thank you for your continued support of our Club.

Peter Klug and Ryan Savage



## Abby Schroeder

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**From:** Witt, Mark <mcwitt@gklaw.com>  
**Sent:** Friday, March 22, 2024 3:08 PM  
**To:** Abby Schroeder  
**Cc:** Kelly Reilly  
**Subject:** Re: [External] PLEASE READ AND RESPOND - OUR CLUB NEEDS YOUR HELP!

The Witt family supports the Town Club's proposed upgrade as being consistent with both the Institutional District Requirements and the Outdoor Recreation permit requirements.

Mark Witt and Kelly Reilly      1076 E. Thorne Lane

On Mar 22, 2024, at 10:15 AM, Abby Schroeder <Abby@thetownclub.com> wrote:

[EXTERNAL] This message originated from outside your domain.

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Dear Members,

As you are aware, the Club has asked the Village of Fox Point for a permit to upgrade its existing tennis and pickleball facilities on the far south tennis courts. We have been met with some resistance from the surrounding residents, therefore this matter has been stalled with the Village Board. That matter is currently before the Village Plan Commission and Village Board. We are reaching out to all TC members who are also Village of Fox Point residents, to take a moment to reply to this email expressing your support for our pending pickleball permit request and that you believe that TC's request meets the provisions below. The Town Club must meet the following four requirements to qualify for the Institutional District permit.

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**If you agree, please reply to this email and send your statement of support to Abby Schroeder and include your name and address.**

Thank you for your continued support of our Club.

Peter Klug and Ryan Savage

## Abby Schroeder

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**From:** Anne Marie Finley <amfinley@biotechpolicygroup.com>  
**Sent:** Friday, March 22, 2024 2:22 PM  
**To:** Abby Schroeder  
**Subject:** Re: [External] PLEASE READ AND RESPOND - OUR CLUB NEEDS YOUR HELP!

Dear Abby:

I support the Town Club pickleball proposal. Fox Point needs amenities for residents, whether they are private or public due to the dearth of amenities in our Village.

Anne Marie Finley  
8320 N Lake Dr  
Fox Point, WI 53217

Sent from my iPhone

Sent from my iPhone

On Mar 22, 2024, at 10:15 AM, Abby Schroeder <Abby@thetownclub.com> wrote:

Dear Members,

As you are aware, the Club has asked the Village of Fox Point for a permit to upgrade its existing tennis and pickleball facilities on the far south tennis courts. We have been met with some resistance from the surrounding residents, therefore this matter has been stalled with the Village Board. That matter is currently before the Village Plan Commission and Village Board. We are reaching out to all TC members who are also Village of Fox Point residents, to take a moment to reply to this email expressing your support for our pending pickleball permit request and that you believe that TC's request meets the provisions below. The Town Club must meet the following four requirements to qualify for the Institutional District permit.

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Thank you for your continued support of our Club.

Peter Klug and Ryan Savage

## Abby Schroeder

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**From:** Michael Wanta <mikewanta@gmail.com>  
**Sent:** Friday, March 22, 2024 1:49 PM  
**To:** Abby Schroeder  
**Subject:** Re: [External] PLEASE READ AND RESPOND - OUR CLUB NEEDS YOUR HELP!

Michael Wanta  
8363 N Indian Creek Pkwy, Fox Point, WI 53217

I completely support the Town Club's Pickleball Retrofit project. I strongly believe all requirements have been met for the permitting process. There is no reason to delay this project any further, and our village stands to benefit from having an additional place for area residents to participate in a healthy, positive activity.

On Fri, Mar 22, 2024 at 12:21 PM Abby Schroeder <[Abby@thetownclub.com](mailto:Abby@thetownclub.com)> wrote:

Dear Members,

As you are aware, the Club has asked the Village of Fox Point for a permit to upgrade its existing tennis and pickleball facilities on the far south tennis courts. We have been met with some resistance from the surrounding residents, therefore this matter has been stalled with the Village Board. That matter is currently before the Village Plan Commission and Village Board. We are reaching out to all TC members who are also Village of Fox Point residents, to take a moment to reply to this email expressing your support for our pending pickleball permit request and that you believe that TC's request meets the provisions below. The Town Club must meet the following four requirements to qualify for the Institutional District permit.

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**If you agree, please reply to this email and send your statement of support to Abby Schroeder and include your name and address.**

Thank you for your continued support of our Club.

Peter Klug and Ryan Savage



## Abby Schroeder

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**From:** John Sennett <johnfsennett@gmail.com>  
**Sent:** Friday, March 22, 2024 1:41 PM  
**To:** Abby Schroeder  
**Subject:** Re: [External] PLEASE READ AND RESPOND - OUR CLUB NEEDS YOUR HELP!

Absolutely John and Nancy Sennett from 1206 Fox Lane. 53217 Are strongly in favor of the Town Club court modernization. We also agree the TC meets all requirements of the Outside Recreational code requirements. Thanks John and Nancy Sennett and family.

Sent from my iPhone

On Mar 22, 2024, at 1:21 PM, Abby Schroeder <Abby@thetownclub.com> wrote:

Dear Members,

As you are aware, the Club has asked the Village of Fox Point for a permit to upgrade its existing tennis and pickleball facilities on the far south tennis courts. We have been met with some resistance from the surrounding residents, therefore this matter has been stalled with the Village Board. That matter is currently before the Village Plan Commission and Village Board. We are reaching out to all TC members who are also Village of Fox Point residents, to take a moment to reply to this email expressing your support for our pending pickleball permit request and that you believe that TC's request meets the provisions below. The Town Club must meet the following four requirements to qualify for the Institutional District permit.

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- Not a nuisance or hazard

- Not detrimental to the general public welfare

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**If you agree, please reply to this email and send your statement of support to Abby Schroeder and include your name and address.**

Thank you for your continued support of our Club.

Peter Klug and Ryan Savage

## Abby Schroeder

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**From:** James Darragh <jdarragh@gmail.com>  
**Sent:** Friday, March 22, 2024 1:12 PM  
**To:** Abby Schroeder  
**Subject:** Re: [External] PLEASE READ AND RESPOND - OUR CLUB NEEDS YOUR HELP!

Hi Abby,

I support this measure to improve the courts at town club.

James darragh  
8207 n gray log lane  
Fox point wi 53217  
On Mar 22, 2024 at 12:15 PM -0500, Abby Schroeder <Abby@thetownclub.com>, wrote:

Dear Members,

As you are aware, the Club has asked the Village of Fox Point for a permit to upgrade its existing tennis and pickleball facilities on the far south tennis courts. We have been met with some resistance from the surrounding residents, therefore this matter has been stalled with the Village Board. That matter is currently before the Village Plan Commission and Village Board. We are reaching out to all TC members who are also Village of Fox Point residents, to take a moment to reply to this email expressing your support for our pending pickleball permit request and that you believe that TC's request meets the provisions below. The Town Club must meet the following four requirements to qualify for the Institutional District permit.

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**If you agree, please reply to this email and send your statement of support to Abby Schroeder and include your name and address.**

Thank you for your continued support of our Club.

Peter Klug and Ryan Savage

## Abby Schroeder

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**From:** Hyngstrom, Allison <allison.hyngstrom@marquette.edu>  
**Sent:** Friday, March 22, 2024 1:03 PM  
**To:** Abby Schroeder  
**Subject:** Re: [External] PLEASE READ AND RESPOND - OUR CLUB NEEDS YOUR HELP!

As a resident of Fox Point for over 20 years and former Board Member and Treasurer of the Fox Point Foundation, I enthusiastically support the efforts to upgrade the tennis and pickle ball facilities at the Town Club. The request meets all the requirements of the Fox Point provisions.

Best,  
Dr Hyngstrom  
Allison Hyngstrom PT PhD  
Professor, Chair  
Department of Physical Therapy  
Marquette University  
414-288-7194

3028 N. Links Way

On Mar 22, 2024, at 12:15 PM, Abby Schroeder <Abby@thetownclub.com> wrote:

**CAUTION:** This email originated outside of Marquette University. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Members,

As you are aware, the Club has asked the Village of Fox Point for a permit to upgrade its existing tennis and pickleball facilities on the far south tennis courts. We have been met with some resistance from the surrounding residents, therefore this matter has been stalled with the Village Board. That matter is currently before the Village Plan Commission and Village Board. We are reaching out to all TC members who are also Village of Fox Point residents, to take a moment to reply to this email expressing your support for our pending pickleball permit request and that you believe that TC's request meets the provisions below. The Town Club must meet the following four requirements to qualify for the Institutional District permit.

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**If you agree, please reply to this email and send your statement of support to Abby Schroeder and include your name and address.**

Thank you for your continued support of our Club.

Peter Klug and Ryan Savage



## Abby Schroeder

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**From:** Bob Schley <schley67@gmail.com>  
**Sent:** Friday, March 22, 2024 12:29 PM  
**To:** Abby Schroeder  
**Subject:** Re: [External] PLEASE READ AND RESPOND - OUR CLUB NEEDS YOUR HELP!

Abby I fully support the club's hope to upgrade the pickle ball courts on the south side of club property. We will be out of town in April.

Robert S Schley Jr  
7716 N Lings Way, Fox Point, WI 53217

On Fri, Mar 22, 2024 at 12:15 PM Abby Schroeder <[Abby@thetownclub.com](mailto:Abby@thetownclub.com)> wrote:

Dear Members,

As you are aware, the Club has asked the Village of Fox Point for a permit to upgrade its existing tennis and pickleball facilities on the far south tennis courts. We have been met with some resistance from the surrounding residents, therefore this matter has been stalled with the Village Board. That matter is currently before the Village Plan Commission and Village Board. We are reaching out to all TC members who are also Village of Fox Point residents, to take a moment to reply to this email expressing your support for our pending pickleball permit request and that you believe that TC's request meets the provisions below. The Town Club must meet the following four requirements to qualify for the Institutional District permit.

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**If you agree, please reply to this email and send your statement of support to Abby Schroeder and include your name and address.**

Thank you for your continued support of our Club.

Peter Klug and Ryan Savage

## Abby Schroeder

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**From:** Ginny Marks <virginia.marks@gmail.com>  
**Sent:** Friday, March 22, 2024 12:29 PM  
**To:** Abby Schroeder  
**Subject:** Re: [External] PLEASE READ AND RESPOND - OUR CLUB NEEDS YOUR HELP!

Dear Abby,

We are Fox Point residents and Town Club members, and we strongly support the proposed upgrades. We feel having a long standing neighborhood club drives property values up and is a major draw to the village. Our kids can bike to the club, we take advantage of summer and winter sports and love the family, neighborly atmosphere of Town Club. We are so very lucky to have such a fantastic community in both our Village and our Club. Furthermore, we believe the proposed upgrades meet all required criteria for approval.

Best,  
Ben and Virginia Marks  
1419 E Bywater Ln  
Fox Point, WI 53217

On Fri, Mar 22, 2024 at 5:21 PM Abby Schroeder <[Abby@thetownclub.com](mailto:Abby@thetownclub.com)> wrote:

Dear Members,

As you are aware, the Club has asked the Village of Fox Point for a permit to upgrade its existing tennis and pickleball facilities on the far south tennis courts. We have been met with some resistance from the surrounding residents, therefore this matter has been stalled with the Village Board. That matter is currently before the Village Plan Commission and Village Board. We are reaching out to all TC members who are also Village of Fox Point residents, to take a moment to reply to this email expressing your support for our pending pickleball permit request and that you believe that TC's request meets the provisions below. The Town Club must meet the following four requirements to qualify for the Institutional District permit.

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**If you agree, please reply to this email and send your statement of support to Abby Schroeder and include your name and address.**

Thank you for your continued support of our Club.

Peter Klug and Ryan Savage



## Abby Schroeder

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**From:** Short, Mark <mark.short@chase.com>  
**Sent:** Friday, March 22, 2024 12:27 PM  
**To:** Abby Schroeder  
**Subject:** RE: [External] [EXTERNAL]PLEASE READ AND RESPOND - OUR CLUB NEEDS YOUR HELP!

I support The Town Club's currently pending pickleball permit request with the Village of Fox Point and believe it meets all of the required provisions detailed below.

Mark Short

425 E Apple Tree Rd

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**Mark Short** | Credit Risk | **Commercial Banking** | 111 E Wisconsin Ave, Floor 22 | Milwaukee, WI 53202 |  
T: 414 977 6750 | M: 414 331 2874 | [mark.short@chase.com](mailto:mark.short@chase.com) | [jpmorganchase.com/commercial](https://jpmorganchase.com/commercial)

**From:** Abby Schroeder <Abby@thetownclub.com>  
**Sent:** Friday, March 22, 2024 12:15 PM  
**Subject:** [EXTERNAL]PLEASE READ AND RESPOND - OUR CLUB NEEDS YOUR HELP!

Dear Members,

As you are aware, the Club has asked the Village of Fox Point for a permit to upgrade its existing tennis and pickleball facilities on the far south tennis courts. We have been met with some resistance from the surrounding residents, therefore this matter has been stalled with the Village Board. That matter is currently before the Village Plan Commission and Village Board. We are reaching out to all TC members who are also Village of Fox Point residents, to take a moment to reply to this email expressing your support for our pending pickleball permit request and that you believe that TC's request meets the provisions below. The Town Club must meet the following four requirements to qualify for the Institutional District permit.

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Peter Klug and Ryan Savage

This message is confidential and subject to terms at: <https://www.jpmorgan.com/emaildisclaimer> including on confidential, privileged or legal entity information, malicious content and monitoring of electronic messages. If you are not the intended recipient, please delete this message and notify the sender immediately. Any unauthorized use is strictly prohibited.

## Abby Schroeder

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**From:** Tami Vincent <tvincent2@wi.rr.com>  
**Sent:** Friday, March 22, 2024 12:25 PM  
**To:** Abby Schroeder  
**Subject:** Re: [External] PLEASE READ AND RESPOND - OUR CLUB NEEDS YOUR HELP!

I am in favor of this!

Tami Vincent  
8118 N. Poplar Dr., Fox Point  
Tami Vincent  
414.228.4655  
Sent from my iPhone

On Mar 22, 2024, at 12:15 PM, Abby Schroeder <Abby@thetownclub.com> wrote:

Dear Members,

As you are aware, the Club has asked the Village of Fox Point for a permit to upgrade its existing tennis and pickleball facilities on the far south tennis courts. We have been met with some resistance from the surrounding residents, therefore this matter has been stalled with the Village Board. That matter is currently before the Village Plan Commission and Village Board. We are reaching out to all TC members who are also Village of Fox Point residents, to take a moment to reply to this email expressing your support for our pending pickleball permit request and that you believe that TC's request meets the provisions below. The Town Club must meet the following four requirements to qualify for the Institutional District permit.

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**If you agree, please reply to this email and send your statement of support to Abby Schroeder and include your name and address.**

Thank you for your continued support of our Club.

Peter Klug and Ryan Savage

Terry McGauran  
308 E. Willow Rd.  
Fox Point, WI 53217

Village of Fox Point  
7200 N. Santa Monica Boulevard  
Fox Point, WI 53217  
Attn: Village Board of Trustees

March 25, 2024

To The Village Board:

It has come to my attention that the board is reviewing a building permit application from The Town Club to resurface and replace the three tennis courts located at the south end of the property. As I understand it, the permit was initially approved unanimously by the Planning Commission as the proposal met all of the code requirements for an Institutional District. Then for some reason it was determined that the proposal would also need to meet the code requirements for an "Outdoor Recreation" permit. This type of permit would seem to be intended for use in our parks. Anyway, I believe that The Town Club application meets those requirements as well.

I have been a resident of Fox Point since 1974, and a member of The Town Club since 1972. The Town Club has always been respectful of the Fox Point Community and especially to those residents living close to the TC property. The activities at the south end of the property, where four Platform Tennis courts and three Tennis courts are located, have been in place for a long time. The TC will continue to be mindful of its neighbors, and I ask that the Village Board approve The Town Club Building Permit application. Thank you for your consideration.

Terry McGauran

March 25, 2024

To Village of Fox Point, via Abby Schroeder, General Manager of The Town Club.

From:

Sandy Dunst

7840 N Fairchild Rd

Fox Point, WI 53217

414-559-9246

I am a member of the Town Club (TC) and am writing to you in support of the proposed repaving of the current courts located at the south end of the TC property which are used for both tennis and pickleball. I am a **40+ year resident of Fox Point** and joined the Club specifically for pickleball play in the summer of 2022.

**I urge you to issue the final approval and permit that will allow the TC - a village institution since 1955 - to provide its members with quality courts that allow for the reasonable enjoyment and safe play of the sports that it offers to its members.**

Based on the information that the TC provided, it is my understanding that the planned Fall 2023 court upgrade was unexpectedly delayed after the Planning Commission unanimously approved a permit based on the Institutional District requirements. Then an additional requirement was imposed for an approval of the parcels that have long been under the ownership of this club to which the TC was responsive in complying with those requirements. Now, there are, again, additional requirements for another permit – the Outdoor Recreation permit.

Members have been informed that The Code for Outdoor Recreation adds:

- Not a nuisance or hazard
- Not detrimental to the general public welfare

As a Fox Point resident, I am aware that the Village has recently completed or will soon complete work on the Stormonth Park Tennis Courts, located at the corner of N Yates and N Lombardy Rd and the Indian Creek Tennis Courts, located at the west end of E Spooner Rd. It appears that the Village has accepted that those locations have met the Code for Outdoor Recreation. **There is no apparent reason why an existing court at a nearly 70-year-old club located in the village would not, also, meet those requirements.**

I have lived just a block or so west of the TC for over 20 years (now on N Fairchild and formerly on N Longacre) and I have never heard any noise or been disturbed by any events or activity at the TC. I have never heard any of my neighbors negatively comment about this association or facility.

It is my understanding that no complaints have been filed with the Village regarding the usage of the courts. And, the TC has offered some level of noise reduction in the form of wind screens which are not part of the renovation of the aforementioned village courts.

The Village of Fox Point has a jewel of a Club that dates back to 1901 – **yes, over 100 years**, which is renowned for its quality facilities which have been enjoyed by athletes nationally and even internationally. Its membership is composed of many Fox Point residents as well as many others from the greater North shore community and Milwaukee area. This permit is needed to simply maintain the quality of the membership. To deny this simple and reasonable request devalues the membership of local and community residents.

I urge you to issue the final permit that allows the TC to proceed with its plans to update its courts to allow membership play and ensure the safety of its members.

Thank you,  
Sandy Dunst

Dear Members of the Village of Fox Point Planning Commission Committee,

We trust this message finds you well. I am writing to extend our full support for the Town Club's proposal to update its existing tennis and pickleball courts on the far south end of the property. As a proud resident of Fox Point and an active member of the Town Club, I firmly believe that this project is in the best interest of our community and club.

It's crucial to highlight that the Town Club's proposal entails upgrading the existing courts, rather than introducing entirely new structures to that location. This means there will be no increase in activity beyond what already exists. The proposed upgrades align perfectly with the Fox Point Code provisions for the Institutional District, meeting all requirements for appropriateness, compatibility with the neighborhood, and maintenance of property values in the surrounding area. Moreover, the project maintains the residential character and quality of life that we cherish in our village.

Furthermore, the Town Club's plan adheres to the Code for Outdoor Recreation, ensuring that the upgraded facilities will not pose any increased nuisance or hazard to our community. While it's understandable that there may be concerns from some residents, we are confident that the Town Club will continue to be a good neighbor and uphold its commitment to the well-being of the community. It's important to recognize that this project represents an improvement of existing amenities in the proposed area rather than an entirely new addition.

In light of these considerations, we urge the Committee to support the Town Club's permit request for the upgrade of its tennis and pickleball courts.

Thank you for your consideration of this matter.

Warm regards,

Scott & Alleyne Alderton

7937 N. Fairchild Rd  
Fox Point, WI 53217

and

8317 N. Poplar Dr.  
Fox Point, WI 53217



Letter of Support from Marion & Greg Pruitt (7110 N Barnett Lane):

I am writing to express my support for the upgrade of the tennis and pickleball facilities at the Town Club. The Town Club is a bright spot in Fox Point and these facilities have been around for many years and the Town Club's request meets all of the required provisions.

Best,  
Marion & Greg Pruitt

Robert S. Schley, Jr.  
7716 N. Links Way  
Fox Point, WI 53217

March 26, 2024

Dear Village of Fox Point Plan Commission,

It is my understanding that a number of village residents on Boyd Way have objected to the plans of the Town Club to update our pickleball courts on the south side of the club's property.

It would seem that it is unfair to preclude a club which has existed on this property since the 1950's to maintain and upgrade its facilities as needed from time to time. The club has always tried to be a good neighbor and respect the rights of nearby property owners. I suspect that many if not most of the Boyd Way neighbors bought their houses with full awareness of the presence of the Town Club. I live two blocks east of the club and never have been upset by the sounds emanating from the courts, pool, or club house.

I sincerely hope that the members of the plan commission will determine that this long existing club is in an appropriate location, is permitted by existing zoning, is not detrimental to property values in the surrounding area, and is a recreational facility in keeping with the character of the village. Further, the Town Club does not present a hazard or nuisance and is not detrimental to the general public welfare.

I strongly urge the plan commission members to carefully consider this matter. I understand that more than 100 Fox Point residents are also members of the Town Club.

Sincerely,

***Robert S. Schley, Jr***

Robert S. Schley, Jr.  
7716 N. Links Way  
Fox Point

Hello Abby,

Thank you for the opportunity for us to express support for the plans to upgrade the tennis facilities at Town Club as well as add pickleball courts. Having recently built a home in Fox Point, Rick and I appreciate the care with which permit requests and architectural plans are reviewed.

We are excited to lend our full support to the Town Club's thoughtful plans. They are appropriate, compatible with the surrounding neighborhood and fit with the high character and quality of Santa Monica Blvd and broader Fox Point community.

My husband, Frederick (Rick) Stratton III and I, Keri Sarajian, are in full support of these plans. We kindly request the Village Planning Committee's support of this valuable improvement initiative.

Best,  
Keri and Rick Stratton

Residents of 1015 East Quarles Place, Fox Point  
Tel: (414) 797-4084

Subject: Expressing Support for Pickleball Courts in Fox Point

Dear Village of Fox Point,

I hope this email finds you well. As residents of Fox Point and proud members of the esteemed Town Club, my family and I wanted to express our wholehearted support for the proposed construction of pickleball courts in our community.

Having been active participants in the Town Club, we have witnessed firsthand the courteous and respectful demeanor of our fellow members. The existing courts at our club serve as a testament to our commitment to maintaining the integrity of our village while providing recreational opportunities for residents - we have seen several families join after the pool officially closed with a re-open date TBD.

We firmly believe that the addition of pickleball courts would not only enhance the recreational options available to our community members but also contribute positively to the social fabric of Fox Point. Furthermore, we are confident that our fellow club members will continue to uphold the village's requirements, including adherence to noise ordinances and respectful behavior.

The Village of Fox Point is in a unique situation compared to our neighboring villages by having this club available. I believe a club that promotes healthy physical activity would be a stronger option for tenants and bring in a group of people that want to keep our community what it is today- strong, healthy and respectful.

In conclusion, we stand in solidarity with the initiative to build private pickleball courts in Fox Point and believe it will be a valuable asset to our community. Please feel free to reach out if you require any further information or support regarding this matter.

Thank you for considering our viewpoint.

Warm regards,

Kaitlin Torres

7460 N Lombardy Rd

414.758.8094

Hello Abby,

As a 50 year resident of Fox Point I am in favor of the Town Club resurfacing their existing tennis / pickle ball courts. The Town Club is good for village of Fox Point. The club has a storied history in Fox Point being built in 1956. Being the first to offer tennis in the community. Since 1956 the village of Fox Point has installed tennis courts at Long Acre and Indian Hill. Most recently they have upgraded the courts adding pickle ball. This is a natural progression of racquetball sports in the community.

Best regards,

Randy Rohmer  
7831 N. Fairchild  
Fox Point, WI  
[rrohmer20@gmail.com](mailto:rrohmer20@gmail.com)  
(414) 870-7098

**BARBARA W. DONNER**  
**KENNETH O. DONNER**  
8241 NORTH GRAY LOG LN  
FOX POINT, WISCONSIN 53217  
(414) 272-4470

March 25, 2024

Village of Fox Point  
Village Plan Commission/Village Board  
7200 N Santa Monica Blvd  
Fox Point, WI 53217

RE: The Town Club Application to Upgrade  
Existing Tennis and Pickle Ball Facilities

Dear Village Plan Commission/Village Board:

We are writing in support of The Town Club's Application for Permits to upgrade their tennis courts and pickle ball facilities.

These facilities have existed in their present location for decades and are located along the railroad tracks. Similarly located are a synagogue, two churches, the Village Police Department, The Village Hall. The Village Department of Public Works, The Village Pool, a bank and a strip mall. The continued use as tennis courts and pickle ball courts seems appropriate.

This continued use for length of time shows that it is compatible with the neighborhood.

Upgrading these facilities will not be detrimental to the property values of the surrounding property. Any possible reduction caused by the facilities would have happened decades ago. Not now by maintaining the facilities.

The Town Club is a family club and these facilities are in keeping with the residential character and quality of the Village. The Town Club adds to the quality of life in the Village. It's one of the reasons we live in Fox Point.

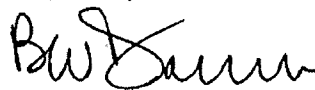


The tennis courts and the pickle ball courts are not a nuisance or a hazard to the Village of Fox Point. Probably 99% of the Village do not know these facilities exist.

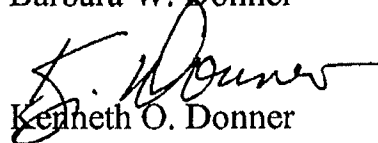
These facilities are not detrimental to the general public welfare. There is nothing inherently dangerous about them.

Thank you for considering our opinions. For the above reasons, we ask that your approve the permits.

Very truly yours,



Barbara W. Donner



Kenneth O. Donner

I 100% support the proposed upgrade to the tennis and pickleball facilities.

Andrew Roberts

413 E Apple Tree Rd, Fox Point, WI 53217

Hi Abby,

I do support the upgrade to the pickleball courts.

Thank you,  
Mitch Vincent  
8118 North Poplar Drive  
414 559-3800

3/20/24

Dear Village of Fox Point,

This letter will be short because my wife, Molly Meyer, gave birth to our third child yesterday. However, as Fox Point residents, it is important to us to write and express our support for the Town Club upgrades to the tennis and pickleball facilities.

The Town Club is very important to our family and we believe to the Village of Fox Point. We do not believe the work will be a nuisance or detrimental to the general public welfare. Rather, this work will help keep the Town Club as a top notch facility for Fox Point residents. We strongly recommend approving this work. Thank you for the consideration.

Sincerely,  
Daniel, Molly, Henry,  
Meyer, & Benjamin  
Meyer  
(1030 E. Thorne Lane)

March 26, 2024

TO: Village Board Members

FROM: Ellie De Lia – TOWN CLUB Member (20 years) and Fox Point Resident (30 years)

7633 N. Links Way, Fox Point, WI 53217

RE: TOWN CLUB Pickle Ball Court Improvement Proposal

As a Town Club member, it has come to my attention that our proposal to improve the pickleball courts has stalled because of concerns raised by a few neighbors whose backyards are proximal to the club's property. I would like to voice my support of the proposal and ask that the Village Board weigh heavily the considerate and generous nature with which the request has been crafted, and the greater number of people who will benefit from the improvements.

The proposal aims to upgrade the existing courts to ensure they are playable and safe for the hundreds of adults and children who play on them. A significant number of these families are Fox Point residents, as I am, who value our strong sense of community and respect for others who live here. We expect our Village Board to ensure that such proposals meet the criteria of serving the community, add value to the experience of living here and pose no threat or nuisance. Our Town Club Board has taken all of that into consideration as it proposes to upgrade the courts; add no sound system or additional lighting and install a noise-reducing screen at significant additional cost. They are also willing to work with the community to establish hours of play that are reasonable and respectful. It is my understanding that Town Club members have been playing pickleball on these courts for 3 years without any complaints. The intent of the proposal is not to add to our existing footprint, but rather to keep our facility up-to-date and, more importantly, safe. I am a 70-year-old Town Club pickleball player, so the safety issue is especially important for me and my court mates.

The Town Club Board has done its homework to ensure this proposal meets all of the Village's requirements and it goes above and beyond to ensure that we will continue to be a good neighbor. My hope is that the Village Board will take this up quickly and give a green light to the proposed improvements.

Respectfully,

Ellie De Lia



100 East Wisconsin Avenue  
Suite 2800  
Milwaukee, Wisconsin 53202

Telephone:  
(414) 276-6666  
Facsimile:  
(414) 273-4047

March 26, 2024

Village of Fox Point

RE: Town Club Pickleball Courts

To Whom It May Concern:

We have been residents of the Village of Fox Point for the past 17 years. During that time, we have had innumerable occasions to drive past the Town Club, probably thousands of times. Not once during the past 17 years, have we found any disturbances in the area based on the use of the club. Never once has it crossed our minds that the value of the surrounding neighborhood would decrease due to the existence of the club.

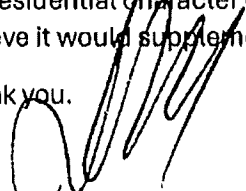
The club is located on a separate side of the street from almost all of the private residences in the area. The expansion of the club to include pickleball courts, in our opinion, would not create any nuisance or hazard. We can't imagine how the inclusion of pickleball courts would be detrimental in any way to the Village or the surrounding residences.

Rather, we find the Town Club to be a great addition to the Village. We actually joined the club a year ago since it was so close to our home and have greatly enjoyed what the club has to offer. Members who enjoy the use of the club respect the neighborhood and do not detract from the area. We belong to other country clubs in the area and find the Town Club to be very low key.

There are many members who are residents of the Village and enjoy the facilities the club offers. With the increase in interest in pickleball, we can only see it adding to what the Village has to offer.

The addition of pickleball courts would be compatible with the neighborhood and in keeping with the residential character of the Village. It would not be a detriment to the neighborhood, rather we believe it would supplement the neighborhood.

Thank you.



Nancy and David Gruber

7032 North Belmont Lane



Hi Abby,

We support the pickleball permit request and believe that the Town Club's request meets the Fox Point Code provisions for the Institutional District and meets the code for an Outdoor Recreation permit.

Jared and Megan Connolly  
905 E Bradley Rd  
Fox Point, WI 53217

## Abby Schroeder

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**From:** Camilla Adelman <camipeck@gmail.com>  
**Sent:** Monday, March 25, 2024 4:14 PM  
**To:** Abby Schroeder  
**Subject:** [External] Pickleball Permits

Camilla and Jonathan Adelman  
8041 North Gray Log Lane  
Fox Point, WI 53217

Please know you have our support for the Town Clubs pending pickleball permit request. I am assured that the The Town Club will meet the following requirements to qualify for the Institutional District permit.

Fox Point Code provisions for the Institutional District require the following findings:

1. Appropriate in the location proposed;
2. Compatible with the neighborhood;
3. Not detrimental to the property values of the surrounding property; and
4. In keeping with the residential character and quality of the Village.

If you have any further needs or questions with this matter, please don't hesitate.

Thank you,  
Camilla Adelman

Sent from my iPhone

On Mar 25, 2024, at 4:03 PM, Abby Schroeder <Abby@thetownclub.com> wrote:

email expressing your support for our pending pickleball permit request and that you believe that TC's request meets the provisions below. The Town Club must meet the following four requirements to qualify for the Institutional District permit.

Fox Point Code provisions for the Institutional District require the following findings:

1. Appropriate in the location proposed;
2. Compatible with the neighborhood;
3. Not detrimental to the property values of the surrounding property; and
4. In keeping with the residential character and quality of the Village.

## Abby Schroeder

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**From:** Lochmann, Jessie <JLochmann@foley.com>  
**Sent:** Monday, March 25, 2024 4:09 PM  
**To:** Abby Schroeder  
**Subject:** [External] Lochmann/ Allen letter of support

As residents of the Village of Fox Point, we are in support of the Town Club's pending permit request relating to the upgrade of existing facilities.

Jessica Lochmann & Jason Allen  
8300 N. Allen Lane  
Fox Point, WI 53217

**From:** Abby Schroeder <Abby@thetownclub.com>  
**Sent:** Friday, March 22, 2024 12:15 PM  
**Subject:** PLEASE READ AND RESPOND - OUR CLUB NEEDS YOUR HELP!

**\*\* EXTERNAL EMAIL MESSAGE \*\***

Dear Members,

As you are aware, the Club has asked the Village of Fox Point for a permit to upgrade its existing tennis and pickleball facilities on the far south tennis courts. We have been met with some resistance from the surrounding residents, therefore this matter has been stalled with the Village Board. That matter is currently before the Village Plan Commission and Village Board. We are reaching out to all TC members who are also Village of Fox Point residents, to take a moment to reply to this email expressing your support for our pending pickleball permit request and that you believe that TC's request meets the provisions below. The Town Club must meet the following four requirements to qualify for the Institutional District permit.

Fox Point Code provisions for the Institutional District require the following findings:

1. Appropriate in the location proposed;
2. Compatible with the neighborhood;
3. Not detrimental to the property values of the surrounding property; and
4. In keeping with the residential character and quality of the Village.

The Planning Commission initially unanimously approved our permit based on the Institutional District requirements, however the Village is now stating that we also need to meet with code for an Outdoor Recreation permit.

The Code for Outdoor Recreation adds:

- Not a nuisance or hazard
- Not detrimental to the general public welfare

We will be submitting letters of support to the Village prior to our April 1<sup>st</sup> Planning Commission. We will also be reaching out to members and residents for their support in person or via zoom at the Village's April Board Meeting on April 9<sup>th</sup>. We will follow up at a later date with more details regarding that meeting. If you have neighbors and friends in Fox Point, who are not members, but would be in support of our facility upgrades, please direct them to submit statements of support to Abby as well.

**If you agree, please reply to this email and send your statement of support to Abby Schroeder and include your name and address.**

Thank you for your continued support of our Club.

Peter Klug and Ryan Savage

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To Whom It May Concern:

As a resident of Fox Point and member of the Town Club, I am writing to offer my support to the proposed project to upgrade the Town Club's existing tennis and pickleball courts at the far south end of the Town Club's property.

From my perspective it is important to note that the project will not expand the existing footprint of the courts in question, or add any additional fencing around that portion of the property. It is simply a project to repair and improve the existing court configuration. Given that this project involves only work on the existing courts I feel very strongly that this is appropriate work to be done in the location proposed, compatible with the existing neighborhood, not detrimental to the value of the surrounding property and in keeping with the residential character and quality of the Village. Nothing about the surrounding property has materially changed since those courts were installed so I do not see how anyone could argue that the project does not satisfy those criteria. That is even more true when considering that in multiple places throughout Fox Point there are other tennis or pickleball courts in comparable proximity to residences.

In fact, I would contend that not allowing this project to move forward would amount to potentially denying the Town Club and its membership the use of its existing facilities over the long-term given the updates or repairs to that portion of the property which will inevitably be needed in time in order for those courts to remain in use.

I would also strongly contend that the proposed project presents no nuisance or hazard to the neighbors and is in no way detrimental to the general public welfare. While I can appreciate that homes adjacent to the Town Club property would prefer not to have any activity on those courts, one resident of a community should not be permitted to move into a home next to an existing structure and claim nuisance when that structure is used legally as intended and as it was in use when the resident purchased their home. The courts in question are already used significantly in the summer months for both tennis and pickleball. The character of how that portion of the property is used will not change as a consequence of the proposed upgrades. I live within ear shot of Lake Drive and would prefer that there was no motorcycle traffic on Lake Drive in the summer when I am having my morning coffee outside. That is not justification for denying motorcycle owners their right to legally drive along Lake Drive.

Regards,  
Tom Bausch  
920 East Calumet Road  
Fox Point, Wisconsin 53217



Dear Village of Fox Point

I am in favor of The Town Club's proposal for pickleball and tennis facilities upgrade at the south end of the property. The Town Club has not only a deep rooted history with Fox Point, but it is one of the oldest most highly regarded racket sports clubs in the midwest.

This club was approved for racket sport recreation that dates back to 1901. As the sport of tennis evolved eventually to paddle tennis which is played primarily in the winter months, we continue to see an evolution to pickleball which is a staple of any racket sport club across the country, it would be an anomaly for a racket sport club to not have pickleball at the club. Not to mention this club has been playing pickleball on these courts for the past 8 years.

It is appropriate for this location as the remainder of the club is already approved and in line with the intended use of the property for such sport. It's deep history and contribution to the Village of Fox Point to offer such a beautiful amenity to its residents and surrounding neighbors. The property values have in fact continued to rise in every aspect in Fox Point over the past 5 years and values are projected to continue to rise due to our limited inventory in the housing market. This will not decrease property values.

The grounds are very well kept and I know they have plans to put up noise dampening screens for the courts. The courts are in need of this upgrade as they are old with many cracks and are a hazard to play.

To recap, I am in full support of the club improving their southern tennis courts and pickleball courts. The club has a deep history and great relationship with the Village of Fox Point. It is an excellent place for families in the area to unite and enjoy the many sports and facets a racket club offers. Pickleball is one of the most popular sports and only enhances this beautiful club keeping in line with the original use for this property since the beginning of the club.

Thanks,

Will Stallé  
7342 N Longacre Rd, Fox Point

Hilary McCabe & Sarah Koehn  
7901 N. Santa Monica Blvd.  
Fox Point, WI 53217

25 March 2024

**RE: The Town Club Request for Institutional District Permit & Outdoor Recreation Permit**

To the Fox Point Board and Village Plan Commission:

We write in support of The Town Club's request for an Institutional District Permit and Outdoor Recreation Permit to upgrade its existing tennis and pickleball facilities on the south end of its property along N. Santa Monica Blvd.

I've been a proud Fox Point resident since 2013 and for the last five have lived across the street from the Club. After years of consideration, we joined the Club in the summer of 2021. Since that time, we have found the Club to be a vital social hub; for us, the Club has facilitated the opportunity to meet neighbors and cultivate relationships. The sound of the diving board, the splashes from the pool, and the thwack of tennis balls hitting racquets are the sounds of summer, and more importantly, the sounds of community.

A successful Town Club fosters a growing and thriving Fox Point, particularly so in a village with almost no other social houses. The demographics of Fox Point are changing; if we want to continue attracting young and active families to make Fox Point a vibrant and community-minded place to live, providing these opportunities for activity and social engagement is critical.

As we understand it, The Town Club is proposing enhancements for a bank of courts that has been used for tennis and pickleballs for years. Notably, they'd like to incorporate a sound reduction measure that will *improve* conditions for surrounding neighbors. This enhancement is a positive step forward for surrounding neighbors like ourselves and those even closer to the courts in discussion. All considered, these upgrades will help modernize the club and improve the Club's role as a focal point in this community.

It's our understanding that The Town Club must meet four criteria to qualify for the Institutional District Permit it seeks:

1. Appropriate in the location proposed;
2. Compatible with the neighborhood;
3. Not detrimental to the property values of the surrounding property; and
4. In keeping with the residential character and quality of the Village.

Objectively, when The Town Club purchased the parcel, it was already **appropriately zoned** for the type of use it needed to operate. The Club has successfully operated in its current location since 1955. That considered, **The Town Club easily satisfies the first criteria.**

Though highly subjective, from a resident's perspective, **The Town Club is highly compatible with our neighborhood.** We'd characterize 'compatibility' as the following:

- **Community Engagement.** As mentioned above, The Town Club fosters a sense of community within Fox Point by providing a space where residents can come together for social activities. The Club hosts many social gatherings that, speaking for ourselves, have brought us closer to our neighbors.
- **Maintaining its Landscape.** The Club professionally maintains a beautifully manicured property. This contributes to the aesthetic appeal of our neighborhood, which enhances property values and enjoyment of our surroundings.
- **Noise Control.** Even before we were members of the Club, we have found its staff to be respectful of their residential surroundings and responsive to concerns. Now as a member, I have seen consistent correspondence from Club leadership about expectations around music volume, light, and noise.
- **Contribution to Fox Point's Economy.** The Club employs a handful of staff and helps offset our already high property taxes through their operations, which supports the economic vitality of Fox Point.
- **Architectural and Cultural Significance.** The Town Club has been a longstanding institution in Fox Point. Its facilities are reflective of the omnipresent midcentury architecture seen throughout our community. As people who take great pride in that aesthetic, we feel as though this also helps enhance its compatibility with Fox Point.

**These factors considered, we believe The Town Club's proposal also satisfies criteria two and four.**

**Property Values.** The Club is bordered by N. Santa Monica to its west, the railroad tracks to its east, Bradley on its north, and 7740 N. Santa Monica, a private residence, on its south.

We'd argue that the railroad tracks are far more disruptive and detrimental to property values than The Town Club.

According to Redfin, the median sale price of homes in Fox Point is \$491,250. Homes recently sold within the few blocks surrounding the Club include:

- 7860 N. Mohawk Road | Sale Price: \$665,000
- 7821 N. Lake Drive | Sale Price: \$515,000
- 7857 N. Lake Drive | Sale Price: \$750,000
- 7705 N. Lake Drive | Sale Price: \$1,225,000
- 7607 N. Lake Drive | Sale Price: \$770,000
- 7722 N. Boyd Way | Sale Price: \$520,000

- 502 E. Calumet | Sale Price: \$532,500
- 1000 E. Bradley Rd | Sale Price: \$290,000
- 7915 N. Boyd Way | Sale Price: \$390,000
- 8034 N. Whitney | Sale Price: \$215,000
- 7609 N. Bell Rd | Sale Price: \$441,875
- 7614 N. Seneca Rd. | Sale Price: \$455,000

Our appraised property value increased over 30% in the last assessment. The same is true for several of our immediate neighbors, including other members of The Town Club, per their reports. **This negates the notion that The Town Club is detrimental to its surrounding property values.**

We understand that after the Planning Commission unanimously approved The Town Club's request for its Institutional District Permit, another request was made of The Town Club to meet an Outdoor Recreation Permit. We understand that to meet the criteria for that permit, the Club must not:

- Be a nuisance or hazard; and
- Be detrimental to the general public welfare.

We believe that The Town Club also satisfies the criteria for an Outdoor Recreation Permit through these measures:

- **Noise Control.** The Town Club sets hours of play for its members, and these hours are mindful of its residential surroundings. Further, one of the enhancements The Town Club proposes with this project is the installation of a noise screen to help reduce noise from the courts. Additionally, The Town Club maintains beautiful shrubs surrounding many of its courts to assist with noise control.
- **Protection of General Public Welfare.** Most of The Town Club's activities are centered around exercise to promote the health and wellbeing of its members. These activities are key to helping maintain fitness and engage socially with neighbors and friends throughout the summer months. All tennis and pickleball players at The Town Club are known and paying members of the Club. All guests must be accompanied by Town Club members. As such, rules and regulations are enforceable up to termination of membership.

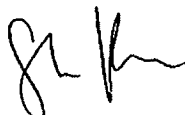
For these reasons, we find that The Town Club meets the criteria for an Outdoor Recreation Permit.

To the extent the Village of Fox Point has additional suggestions or feedback regarding the Club's scope of work for this project, we're confident that the Club would be open to considering those items.

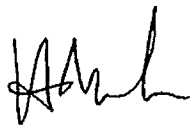
The Town Club and its many athletic and social offerings are one of the primary reasons we decided – and continue to choose Fox Point as our home. We respectfully request your approval of The Town Club's pending permit requests.

We welcome additional questions or discussion from representatives of the Village, should that be of interest.

Thank you for your consideration!



Sarah Koehn



Hilary McCabe

**Jaekels, Christopher J.**

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**From:** Abby Schroeder <Abby@thetownclub.com>  
**Sent:** Tuesday, March 26, 2024 4:41 PM  
**To:** Jaekels, Christopher J.  
**Subject:** Fwd: [External] Pickleball permit

Sent via the Samsung Galaxy S22+ 5G, an AT&T 5G smartphone  
Get [Outlook for Android](#)

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**From:** Martha Olla <molla@kw.com>  
**Sent:** Tuesday, March 26, 2024 4:26:08 PM  
**To:** Abby Schroeder <Abby@thetownclub.com>  
**Subject:** [External] Pickleball permit

Dear Village of Fox Point Board Members/Village Plan Commission,

As longtime village residents , we fully support the proposed improvements to the existing tennis and pickleball court. We are requesting the Pickleball Permit permit be granted for The Town Club. The footprint is not changing. Noise from the train multiple times a day is more of a noise disturbance than the sounds of play on the courts. The courts are only in use 5 months out of the year!

We strongly feel that the request of the Club meets the provisions set forth by the village:

1. **Appropriate in the location proposed;**  
-The location of the courts will remain the same.
2. **Compatible with the neighborhood;**  
-The courts have been in the neighborhood for 50+ years. Footprint and size of the court remain the same.
3. **Not detrimental to the property values of the surrounding property**  
-The courts have been in place since the surrounding neighbors bought their homes. Again, the railroad tracks have more of an impact on real estate value than the courts.
4. **In keeping with the residential character and quality of the Village.**  
- The Town Club has always held high standards for groundskeeping and aesthetic in keeping with original integrity.

The Code for Outdoor Recreation adds:

- **Not a nuisance or hazard**

The courts are in no way a hazard or nuisance. They have been standing for decades and in excellent condition and professionally maintained. They are not open to the



general public. Only members are allowed to play and with that governed by club rules.

- **Not detrimental to the general public welfare**

The courts nor the grounds are not open to the general public . This is a private club and will remain that way. These courts are not any different than the courts at Stormonth Elementary. Matter of fact, I grew up on the corner of Mall RD and Crossway (Martha) and our family frequently used the Stormonth courts. Never were they considered a nuisance.

We look forward to continued use and enjoyment of the courts. We feel fortunate to have the club in our village. The ability to walk or bike to the club is a great asset.

Thank you for your consideration,

Joseph and Martha Olla  
402 E. Daphne RD.  
Fox Point, WI



**Martha Olla**  
PARTNER, LICENSED AGENT  
414-550-6150 • MOLLA@KW.COM  
STALLEREALTY.COM

**Stallé** REALTY GROUP  
205 E SILVER SPRING DRIVE  
WHITEFISH BAY, WI 53217  
Keller Williams

*This message and any attachments are for the designated recipient only and may contain privileged, proprietary, or otherwise private information. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited.*

On Mon, Mar 25, 2024 at 4:03 PM Abby Schroeder <[Abby@thetownclub.com](mailto:Abby@thetownclub.com)> wrote:

**Hi Everyone**

You received my email on Friday regarding our issues with permits with the Village of Fox Point. We need to receive the letters by **end of day tomorrow** to submit to the Planning Commission committee. PLEASE if you haven't already send Abby your support letters, detailed below. Thank you to everyone who has already submitted a letter.

Dear Members,

As you are aware, the Club has asked the Village of Fox Point for a permit to upgrade its existing tennis and pickleball facilities on the far south tennis courts. We have been met with some resistance from the surrounding residents, therefore this matter has been stalled with the Village Board. That matter is currently before the Village Plan Commission and Village Board. We are reaching out to all TC members who are also Village of Fox Point residents, to take a moment to reply to this email expressing your support for our pending pickleball permit request and that you believe that TC's request meets the provisions below. The Town Club must meet the following four requirements to qualify for the Institutional District permit.

Fox Point Code provisions for the Institutional District require the following findings:

1. Appropriate in the location proposed;
2. Compatible with the neighborhood;
3. Not detrimental to the property values of the surrounding property; and
4. In keeping with the residential character and quality of the Village.

The Planning Commission initially unanimously approved our permit based on the Institutional District requirements, however the Village is now stating that we also need to meet with code for an Outdoor Recreation permit.

The Code for Outdoor Recreation adds:

- Not a nuisance or hazard
- Not detrimental to the general public welfare

We will be submitting letters of support to the Village prior to our April 1<sup>st</sup> Planning Commission. We will also be reaching out to members and residents for their support in person or via zoom at the Village's April Board Meeting on April 9<sup>th</sup>. We will follow up at a later date with more details regarding that meeting. If you have neighbors and friends in Fox Point, who are not members, but would be in support of our facility upgrades, please direct them to submit statements of support to Abby as well.

**If you agree, please reply to this email and send your statement of support to Abby Schroeder and include your name and address.**

Thank you for your continued support of our Club.

Peter Klug and Ryan Savage

**Jaekels, Christopher J.**

---

**From:** Abby Schroeder <Abby@thetownclub.com>  
**Sent:** Tuesday, March 26, 2024 5:52 PM  
**To:** Jaekels, Christopher J.  
**Subject:** Fwd: [External] URGENT PLEASE READ AND RESPOND - OUR CLUB NEEDS YOUR HELP!

Sent via the Samsung Galaxy S22+ 5G, an AT&T 5G smartphone  
Get [Outlook for Android](#)

---

**From:** Taylor Garrett <taylorpgarrett@gmail.com>  
**Sent:** Tuesday, March 26, 2024 5:48:30 PM  
**To:** Abby Schroeder <Abby@thetownclub.com>  
**Cc:** Sarah Ellsworth <sarahjaneellsworth@gmail.com>  
**Subject:** Re: [External] URGENT PLEASE READ AND RESPOND - OUR CLUB NEEDS YOUR HELP!

Hi Abby,

Taylor and Sarah Garrett support Town Club's application for permits.

7729 N Links Way Fox Point 53217

On Mon, Mar 25, 2024 at 4:21 PM Abby Schroeder <[Abby@thetownclub.com](mailto:Abby@thetownclub.com)> wrote:

**HI Everyone**

**You received my email on Friday regarding our issues with permits with the Village of Fox Point. We need to receive the letters by end of day tomorrow to submit to the Planning Commission committee. PLEASE if you haven't already send Abby your support letters, detailed below. Thank you to everyone who has already submitted a letter.**

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Thank you for your continued support of our Club.

Peter Klug and Ryan Savage



**Jaekels, Christopher J.**

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**To:** Jaekels, Christopher J.  
**Subject:** Fwd: [External] URGENT PLEASE READ AND RESPOND - OUR CLUB NEEDS YOUR HELP!

Sent via the Samsung Galaxy S22+ 5G, an AT&T 5G smartphone  
Get [Outlook for Android](#)

---

**From:** Kimberly Forster <forsterkimberly98@gmail.com>  
**Sent:** Tuesday, March 26, 2024 5:30:55 PM  
**To:** Abby Schroeder <Abby@thetownclub.com>  
**Subject:** Re: [External] URGENT PLEASE READ AND RESPOND - OUR CLUB NEEDS YOUR HELP!

We are in full support of bettering the courts and overall club improvement with the proposed "refresh". We have come to love our time spent with friends and each other and to enhance what is there today only makes sense.

All our best

Kimberly Forster

Sent from my iPhone

On Mar 25, 2024, at 4:03 PM, Abby Schroeder <Abby@thetownclub.com> wrote:

**HI Everyone**

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Thank you for your continued support of our Club.

Peter Klug and Ryan Savage

## **Exhibit 5**

### **Link to Acoustiblok Webpage Regarding Pickle Ball Issues and Answers**

**(<https://acoustiblok.com/2013/04/08/pickleball-court-reduced-noise/>)**

**Exhibit 6**

**March 20, 2024, Letter From Counsel for Town Club to  
Scott Botcher Agreeing to Proceed Under 745-10 and 745-20 of  
the Fox Point Code**



March 20, 2024

*Via Email: [sbotcher@villageoffoxpoint.com](mailto:sbotcher@villageoffoxpoint.com)*

Scott Botcher  
Village Manager  
Village of Fox Point  
7200 N. Santa Monica Boulevard  
Fox Point, WI 53217

*Via Email: [elarson@ammr.net](mailto:elarson@ammr.net)*

Attorney Eric J. Larson  
Municipal Law and Litigation Group, S.C.  
720 N. East Avenue  
Waukesha, WI 53186

**Re: Conditional Use Permit: The Town Club – 7950 N. Santa Monica Blvd**

Gentlemen,

We write to advise you that we understand that this matter is now proceeding as a single permit under both Sections 745-10 and 745-20 of the Village Zoning Code.

We further understand that the prior proceedings remain in the record, the public hearing has been reopened, and the matter is scheduled for the Plan Commission on April 1. Additional submittals and comment will be received (including a projected reconvened Public Hearing on April 9).

If we are mistaken with regard to the proceedings as set forth, or if you have any questions or comments, please do not hesitate to call or email.

Thank you.

Very truly yours,

Amundsen Davis, LLC

Christopher J. Jaekels

CJJ/das

## **Exhibit 7**

### **National Hearing Conservation Association Decibel Chart**





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## Decibel (Loudness) Comparison Chart

Here are some interesting numbers, collected from a variety of sources, that help one to understand the volume levels of various sources and how they can affect our hearing.

| Environmental Noise                                                                                                      |                  |
|--------------------------------------------------------------------------------------------------------------------------|------------------|
| Weakest sound heard                                                                                                      | 0dB              |
| Whisper Quiet Library                                                                                                    | 30dB             |
| Normal conversation (3-5')                                                                                               | 60-70dB          |
| Telephone dial tone                                                                                                      | 80dB             |
| City Traffic (inside car)                                                                                                | 85dB             |
| Train whistle at 500', Truck Traffic                                                                                     | 90dB             |
| Subway train at 200'                                                                                                     | 95dB             |
| <i>Level at which sustained exposure may result in hearing loss</i>                                                      | <i>90 - 95dB</i> |
| Power mower at 3'                                                                                                        | 107dB            |
| Snowmobile, Motorcycle                                                                                                   | 100dB            |
| Power saw at 3'                                                                                                          | 110dB            |
| Sandblasting, Loud Rock Concert                                                                                          | 115dB            |
| <i>Pain begins</i>                                                                                                       | <i>125dB</i>     |
| Pneumatic riveter at 4'                                                                                                  | 125dB            |
| <i>Even short term exposure can cause permanent damage - Loudest recommended exposure <u>WITH</u> hearing protection</i> | <i>140dB</i>     |
| Jet engine at 100', Gun Blast                                                                                            | 140dB            |
| Death of hearing tissue                                                                                                  | 180dB            |
| Loudest sound possible                                                                                                   | 194dB            |

| OSHA Daily Permissible Noise Level Exposure |             |
|---------------------------------------------|-------------|
| Hours per day                               | Sound level |
| 8                                           | 90dB        |
| 6                                           | 92dB        |
| 4                                           | 95dB        |
| 3                                           | 97dB        |
| 2                                           | 100dB       |
| 1.5                                         | 102dB       |
| 1                                           | 105dB       |
| .5                                          | 110dB       |

|             |       |
|-------------|-------|
| .25 or less | 115dB |
|-------------|-------|

| Perceptions of Increases in Decibel Level |      |
|-------------------------------------------|------|
| Imperceptible Change                      | 1dB  |
| Barely Perceptible Change                 | 3dB  |
| Clearly Noticeable Change                 | 5dB  |
| About Twice as Loud                       | 10dB |
| About Four Times as Loud                  | 20dB |

| Sound Levels of Music           |             |
|---------------------------------|-------------|
| Normal piano practice           | 60 -70dB    |
| Fortissimo Singer, 3'           | 70dB        |
| Chamber music, small auditorium | 75 - 85dB   |
| Piano Fortissimo                | 84 - 103dB  |
| Violin                          | 82 - 92dB   |
| Cello                           | 85 -111dB   |
| Oboe                            | 95-112dB    |
| Flute                           | 92 -103dB   |
| Piccolo                         | 90 -106dB   |
| Clarinet                        | 85 - 114dB  |
| French horn                     | 90 - 106dB  |
| Trombone                        | 85 - 114dB  |
| Tympani & bass drum             | 106dB       |
| Walkman on 5/10                 | 94dB        |
| Symphonic music peak            | 120 - 137dB |
| Amplifier rock, 4-6'            | 120dB       |
| Rock music peak                 | 150dB       |

NOTES:

- One-third of the total power of a 75-piece orchestra comes from the bass drum.
- High frequency sounds of 2-4,000 Hz are the most damaging. The uppermost octave of the piccolo is 2,048-4,096 Hz.
- Aging causes gradual hearing loss, mostly in the high frequencies.
- Speech reception is not seriously impaired until there is about 30 dB loss; by that time severe damage may have occurred.
- Hypertension and various psychological difficulties can be related to noise exposure.

- The incidence of hearing loss in classical musicians has been estimated at 4-43%, in rock musicians 13-30%.

Statistics for the Decibel (Loudness) Comparison Chart were taken from a study by Marshall Chasin , M.Sc., Aud(C), FAAA, Centre for Human Performance & Health, Ontario, Canada. There were some conflicting readings and, in many cases, authors did not specify at what distance the readings were taken or what the musician was actually playing. In general, when there were several readings, the higher one was chosen.

**Exhibit 8**

**Public Pickle Ball Courts in North Shore Residential  
Neighborhoods Including Two Sets of Courts Operated by the  
Village of Fox Point**

**(Permit Status Unknown)**

## News Headlines

Posted on: March 4, 2024

### Longacre and Indian Creek Tennis Courts are ready for play!!

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nis court nets were put up at both Longacre and Indian Creek parks, making them ready for play. The wind screens will not be put up until later this spring.

The 2023 project to resurface the facilities was completed at the Indian Creek courts, with Pickle Ball lines added. The work on the Longacre courts had to be delayed to 2024 but will be resurfaced this summer with Pickle Ball lines also added to these courts. During the resurfacing project, the Longacre courts will not be available for play. The dates for this work is not yet know.

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The original item was published from 10/11/2023 8:37:00 AM to 11/1/2023 12:00:03 AM.

#### **News Headlines**

Posted on: September 29, 2023

## **[ARCHIVED] Village Tennis Courts – UPDATE**

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k tennis courts were open for play October 1<sup>st</sup> with the courts lined for both tennis and pickle ball. Due to the recent significant drop in temperatures and the upcoming forecast of rain, repair to the Longacre tennis courts will be delayed. Initiation of the work on these courts will depend on the forecast of consistent temperatures above 55 degrees and dry weather. The Longacre courts will be available for play until the repair work is initiated or the nets are taken down for the season. Further updates will be

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posted here. Staff appreciates your patience as this project is completed.

---

## Other News in News Headlines

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### **Village Hall/Police Department Phone Upgrade**



Posted on: February 27, 2024

---

### **Bradley Road Project – Phase 2 Gas Main Work**



Posted on: February 16, 2024

---

### **Message from the Village Forester: Honeylocust Seed Pods**



Posted on: February 22, 2024

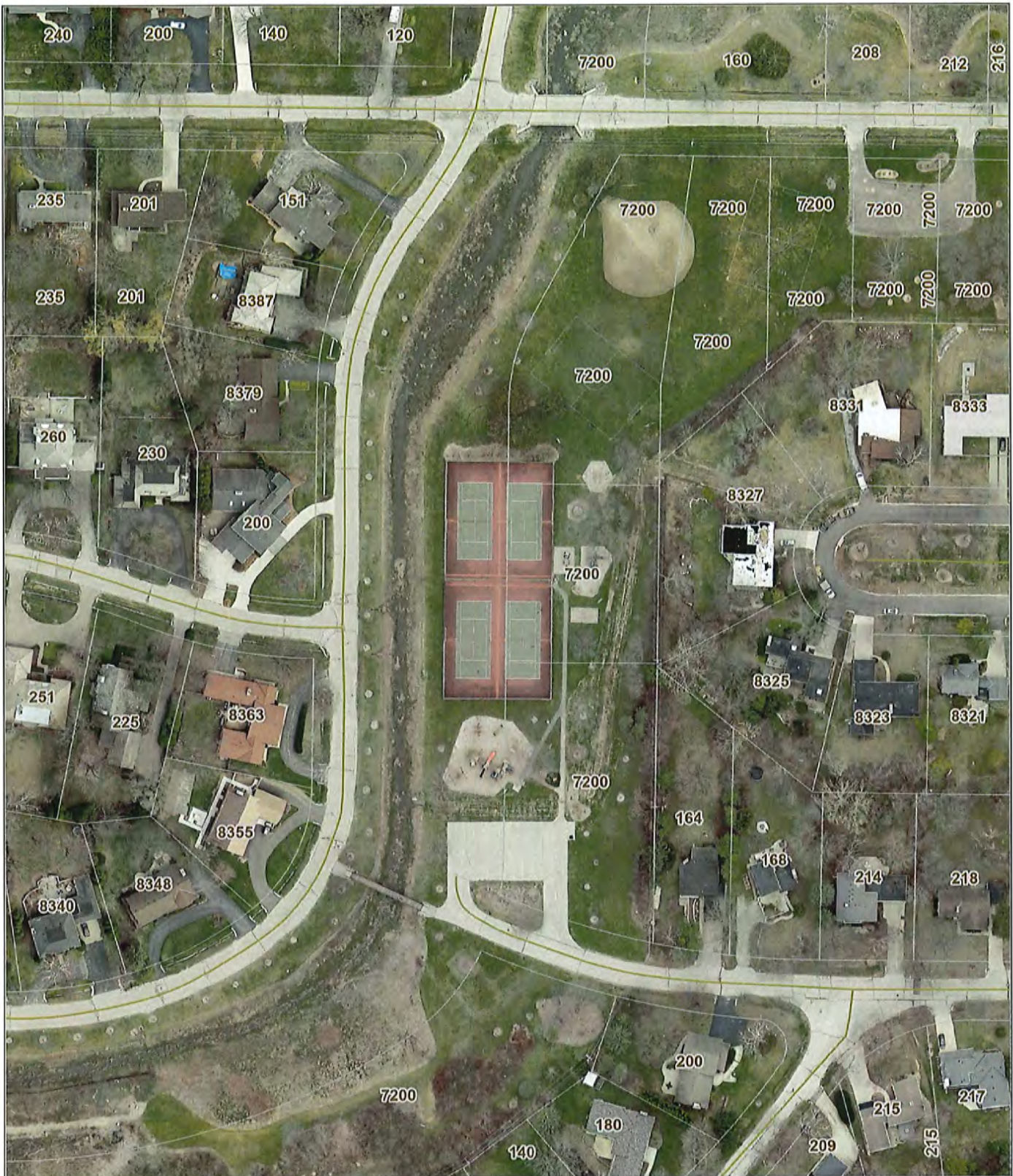
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### **Milwaukee City/County Sales Tax**



Posted on: January 11, 2024





### Village of Fox Point - Indian Creek Parkway



### VILLAGE OF FOX POINT

7200 North Santa Monica Blvd  
Fox Point, WI 53217  
(414) 351-8900

DISCLAIMER: The Village of Fox Point Does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.

SCALE: 1" = 188'

Print Date: 3/26/2024





### Village of Fox Point - Longacre Park



### VILLAGE OF FOX POINT

7200 North Santa Monica Blvd  
Fox Point, WI 53217  
(414) 351-8900

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SCALE: 1" = 188'

Print Date: 3/26/2024



# **milwaukee journal sentinel**

## **NEWS**

# **Looking for pickleball courts in Milwaukee? Here's where you can play**



**Drew Dawson**

Milwaukee Journal Sentinel

Published 1:37 p.m. CT May 26, 2023

Pickleball is one of the fastest growing sports across the country. That growth has absolutely found its way to the Milwaukee metro area.

There are many plans for pickleball courts in the works at the moment and more likely to come. For now, we wanted to compile a list of places that beginners and advanced players can enjoy the popular game.

From bars to parks, here is a list of places that have pickleball courts in the Milwaukee area.

## **Riverwalk Commons Pickleball Courts (Milwaukee)**

The Riverwalk Commons is one of the few places to play in the downtown area. There are two pickleball courts under the Interstate 794 bridge across the street from the Milwaukee Public Market. The courts are first come, first served.

**Address:** 423 N. Water St., Milwaukee

## **Sijan Pickleball & Tennis Courts (Milwaukee)**

There are six pickleball-lined courts at this Bay View spot next to Kinnickinnic Park. The courts are free to use. However, you will need to bring your own net.

**Address:** 2800-2898 S. California St., Milwaukee

## **Juneau Playfield (Milwaukee)**

There are six pickleball courts lined on the tennis courts at Juneau Playfield. They are open and free to the public, but you'll need to bring your own net.

**Address:** 6500 W. Mt. Vernon Ave., Milwaukee

## **Dale Z.'s On Tour (Milwaukee)**

A bar with a pickleball court? That's right. In 2022, owner Dale Zbieranek installed two outdoor pickleball courts at the Tippecanoe bar. The courts are free to use. To get more info, text "pickle" to (414) 812-4400. Walk-ins are also welcome.

**Address:** 3585 S. Howell Avenue, Milwaukee

## **Atwater Elementary School (Shorewood)**

There are four pickleball courts lined on the tennis courts at Atwater Elementary. Courts are first-come, first-serve all the time except for during the Saturday program. This takes place from 8 a.m. to noon every Saturday between June 3 and Aug. 19. For the Saturday program, you can purchase an eight-uses punch card for \$30 as a Shorewood resident and \$45 as a non-resident.

You can find more information [here](#).

**Address:** 2100 E. Capitol Drive, Milwaukee

## **Hart Park (Wauwatosa)**

There are four courts lined in the tennis courts. You'll use the same nets that are up for both sports. Courts are first-come, first served.

**Address:** 7300 W Chestnut Street, Wauwatosa

**More:** Chin Up: Packers football hero Mark Tauscher has passion for a new game: pickleball

## **Klode Park (Whitefish Bay)**

There are four courts drawn into the tennis courts here. Portable nets are available, but you can also bring your own.

**Address:** 5960 N. Lake Drive, Whitefish Bay



## **Liberty Heights Park (West Allis)**

There are two courts at this West Allis park. There is a group that meets every Sunday at 10 a.m. to play if you're interested.

**Address:** 1540 S. 62nd St., West Allis

## **Village Park (Menomonee Falls)**

There are two dedicated pickleball courts that are free and open to the public. Courts are first-come, first served.

**Address:** N87 W16749 Garfield Drive, Menomonee Falls

## **Banting Park (Waukesha)**

There are eight pickleball courts at this Waukesha park. They are open and free to the public year round.

**Address:** 2101 Butler Drive, Waukesha

## **Valley View Park (New Berlin)**

There are eight lined courts at this park in New Berlin. The courts are only open at specific times and you must register to ahead of time to use them, which you can do here. There is a fee when you register. The court are open to reserve from May through August. For open play, the courts are open Monday, Wednesday and Friday from 7 a.m. to 11:30 a.m. (it is closed on Memorial Day), Tuesday and Thursday from 8 a.m. to 10 a.m. and 5 p.m. to 7 p.m.

**Address:** 5051 S. Sunnyslope Road, New Berlin

## **Lions Park (New Berlin)**

These courts are coming to New Berlin in summer 2023. Four to six courts are expected to be lined there. It is unclear if they will require registration like the courts at Valley View Park.

**Address:** 14900 W. Overland Trail, New Berlin

*This story will be updated as more courts come to the area and to our attention. If you'd like us to add a place not included on this list, please reach out to the reporter whose*

*information is below.*

*Drew Dawson can be reached at [ddawson@jrn.com](mailto:ddawson@jrn.com) or 262-289-1324.*

## Ellsworth Park



Ellsworth Park is the Village's main park and holds

many recreation opportunities. The park features playground equipment, an open-air pavilion and restrooms, a baseball/softball field, soccer fields, and four full-sized tennis courts, bounce boards, and pickleball courts.

## Doctors Park

Doctors Park, part of the Milwaukee County Parks System, is located on the border of Bayside and Fox Point on the shoreline of Lake Michigan. For more information about Doctors Park, visit them [online \(https://county.milwaukee.gov/files/county/parks-department/Park-Maps/Doctors1.pdf\)](https://county.milwaukee.gov/files/county/parks-department/Park-Maps/Doctors1.pdf).

## Mount Bayside

Mount Bayside is located just north of Village Hall on the corner of Fairy Chasm Road and Regent Road. Parking is available in the lot located off of Fairy Chasm Road, on the west side of the sled hill. Please do not park on the street.

♥ Helpful

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## Welcome

[About \(https://www.baysidewi.gov/about/\)](https://www.baysidewi.gov/about/)

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[Feedback \(https://www.baysidewi.gov/feedback/\)](https://www.baysidewi.gov/feedback/)

## Help

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[Accessibility \(https://www.baysidewi.gov/accessibility-statement/\)](https://www.baysidewi.gov/accessibility-statement/)

[Sitemap \(https://www.baysidewi.gov/sitemap/\)](https://www.baysidewi.gov/sitemap/)

## Village of Bayside



[\(414\) 206-3915 \(tel:\(414\) 206-3915\)](tel:(414)206-3915)



9075 N Regent Rd  
Bayside, WI 53217



Monday-Thursday: 8:00am-4:00pm  
Friday: 8:00am-12:00pm

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This post was contributed by a community member. The views expressed here are the author's own.

[Community Corner](#)

## Nicolet Rec Dept Offering Pickleball Lessons

Register online for these lessons or any other program starting on 8/7 at:  
<https://web2.vermontsystems.com/nicolet.html>



Nicolet Recreation Department, Community Contributor ✓

Posted Tue, Aug 1, 2023 at 9:17 am CT



ADVERTISEMENT

## **Beginner Pickleball Lessons**

This class is for first time pickleball players. Come join the fun and learn how to play the game and develop your strokes under the instruction of the Nicolet tennis staff. The class will be divided between instruction and play.

Date: September 6 – October 11

Day: Wednesdays

Time: 6:00 – 7:00pm

Location: Nicolet High School – Tennis & Pickleball Courts

Fee: \$90.00R/\$100.00NR

Program#: 131023-01

Min/Max: 4/30

Instructor: Kobe Holdren and Tim Koppa

ADVERTISEMENT

## **Intermediate Pickleball Lessons**

Players should know how to score and have the ability to play matches. Players should have prior experience playing competitively. This is not a beginner lesson but it is not advanced either. We will drill and play. We will work on taking your game to the next level. Email me with questions:  
tim.koppa@nicolet.us

ADVERTISEMENT



**Exhibit 9**

**Response of Bayside Communications Center to  
Open Records Request**

**(No Complaints about Pickle Ball anywhere in Village, March  
2021 to March 2024)**



Christopher J. Jaekels, Esq.  
Amundsen Davis, LLC  
111 East Kilbourn Avenue – Suite 1400  
Milwaukee, WI 53202  
**Email:** [cjaekels@amundsendavislaw.com](mailto:cjaekels@amundsendavislaw.com)

March 4, 2024

**Via Email and US Mail**

Liane Scharnott  
Communications Center Director  
9075 N. Regent Road  
Bayside, WI 53217  
**Email:** [lscharnott@baysidewi.gov](mailto:lscharnott@baysidewi.gov)

Dear Ms. Scharnott:

Under the **Wisconsin Open Records Law, §19.31 et seq.**, I hereby request an opportunity to inspect or obtain copies of the following public records:

**Records of complaints received within the last three years by the Communications Center regarding noise or other issues arising from the playing of pickleball in the Village of Fox Point.**

If there are any fees for searching or copying these records, please inform me if the cost will exceed one hundred dollars (\$100.00). Transmission via email is acceptable. This information is not being sought for commercial purposes.

Please provide a response in writing, as soon as possible. If you expect significant delay in fulfilling this request, please contact me with information about when I might expect copies or be able to inspect the requested records.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.

Very truly yours,

Amundsen Davis, LLC

Christopher J. Jaekels

CJJ/das

**Jaekels, Christopher J.**

---

**From:** Liane Scharnott <lscharnott@baysidewi.gov>  
**Sent:** Monday, March 11, 2024 11:43 AM  
**To:** Jaekels, Christopher J.  
**Subject:** Re: Open Records Request Pickleball in Fox Point.

Chris,

I searched for the information you requested and was not able to locate any calls or complaints regarding pickleball. I followed up with FPPD to make sure I wasn't missing anything. They got back to me today and confirmed this.

Please advise if you need anything further.

Respectfully,

Liane

*Liane Scharnott, RPL*

Director of Communications  
Bayside Communications Center  
9075 N Regent Road  
Bayside, WI. 53217  
Tel. 414-206-3922  
Fax. 414-351-8810  
[lscharnott@baysidewi.gov](mailto:lscharnott@baysidewi.gov)

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---

**From:** Jaekels, Christopher J. <CJaekels@amundsendavislaw.com>  
**Sent:** Monday, March 11, 2024 11:02 AM  
**To:** Liane Scharnott <lscharnott@baysidewi.gov>  
**Subject:** RE: Open Records Request Pickleball in Fox Point.

You don't often get email from [cjaekels@amundsendavislaw.com](mailto:cjaekels@amundsendavislaw.com). [Learn why this is important](#)

Hi Liane,  
Any news?

Thanks,  
Chris

**From:** Liane Scharnott <lscharnott@baysidewi.gov>  
**Sent:** Wednesday, March 6, 2024 7:46 AM  
**To:** Jaekels, Christopher J. <CJaekels@amundsendavislaw.com>  
**Subject:** Re: Open Records Request Pickleball in Fox Point.

Good morning,

I received your request and have started to look for any records relating to this. I will be in contact with you shortly.

Respectfully,

Liane

*Liane Scharnott, RPL*

Director of Communications  
Bayside Communications Center  
9075 N Regent Road  
Bayside, WI. 53217  
Tel. 414-206-3922  
Fax. 414-351-8810  
[lscharnott@baysidewi.gov](mailto:lscharnott@baysidewi.gov)

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**From:** Jaekels, Christopher J. <[CJaekels@amundsendavislaw.com](mailto:CJaekels@amundsendavislaw.com)>  
**Sent:** Monday, March 4, 2024 6:19 PM  
**To:** Liane Scharnott <[lscharnott@baysidewi.gov](mailto:lscharnott@baysidewi.gov)>  
**Subject:** Fwd: Open Records Request Pickleball in Fox Point.

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Sent from my Verizon, Samsung Galaxy smartphone  
Get [Outlook for Android](#)



Hi Liane,  
Hope this isn't too much bother.  
Thanks,  
Chris

**Christopher J. Jaekels**

Partner

Direct: 414.225.1409

[cjaekels@amundsendavislaw.com](mailto:cjaekels@amundsendavislaw.com)

[111 East Kilbourn Avenue, Suite 1400](#)

[Milwaukee, Wisconsin 53202](#)

<http://www.amundsendavislaw.com> | LinkedIn



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CAUTION: This email originated from outside of the North Shore Consolidated O365 Email System (Bayside, Glendale, Shorewood and North Shore Fire & Rescue). Do not click links or open attachments unless you recognize the sender and know the content is safe.

**Exhibit 10**

**Response of Village of Fox Point Police Department to  
Open Records Request**

**(No Complaints about Pickle Ball anywhere in Village, March  
2021 to March 2024)**



**Jaekels, Christopher J.**

---

**From:** Salahadyn, Dyer A.  
**Sent:** Tuesday, March 5, 2024 4:26 PM  
**To:** Jaekels, Christopher J.  
**Subject:** FYI Chief Freedy of Fox Point Police Dept. re Request for Records

**From:** Chris Freedy <cfreedy@villageoffoxpoint.com>  
**Sent:** Tuesday, March 5, 2024 4:14 PM  
**To:** Salahadyn, Dyer A. <DSalahadyn@amundsendavislaw.com>  
**Subject:** Request for Records

Dear Attorney Jaekels;

Our agency received your e-mailed request for records related to any complaints received by the village or police department related to noise arising from pickleball play occurring in the village. As a courtesy to get a prompt response back to you, a response was provided by administrative staff without completing a full analysis of the request.

In direct response to your request for records, specifically, any complaints received within the last three years by the Village or Police Department regarding noise or other issues arising from the playing of pickleball in the Village;

1. The police department does not maintain records outside of law enforcement related activities and cannot respond on behalf of the Village administration. Requests for records from the Village of Fox Point should be directed to Clerk / Treasurer Sara Bruckman.
2. Your request for records from the police department is overly broad to include "noise or other issues arising from the playing of pickleball." The police department does not have any method to search our records to identify "issues arising from the playing of pickleball," nor noise complaints related to pickleball.

I am not denying your request for records, or access to records from our agency. However, I am unable to provide any records related to your request without staff completing a manual review of each call for service occurring during the 3-year time period which would create an undue burden on our agency and would be sufficiently excessive. Pursuant to Wisconsin § 19.35(1)(h), the excessiveness of the request would warrant rejection of the request.

Per your request, I contacted you by telephone to clarify the specifics of your request and identified a narrower scope for a different request. Per the conversation, please resubmit a request for records for police response to noise complaints in Fox Point, or at a specific location, and we will fulfill the request.

Thank you,

Chris Freedy

Christopher Freedy  
Chief of Police  
Fox Point Police Department  
Fox Point, Wisconsin 53217  
(414) 351-8911 admin

FBI National Academy  
254<sup>th</sup> Session



## Jaekels, Christopher J.

---

**From:** Salahadyn, Dyer A.  
**Sent:** Monday, March 4, 2024 3:57 PM  
**To:** policerecords@villageoffoxpoint.com  
**Cc:** Jaekels, Christopher J.  
**Subject:** ATTORNEY JAEKELS: FOIA Public Records Request re Village of Fox Point (Pickleball)  
**Attachments:** FOIA Public Records Request to Fox Point Police Dept. re Pickleball issues.PDF

Dear Chief Freedy,

On behalf of Attorney Chris Jaekels, please find attached a request for public records pertaining to the above-referenced matter.

**Any complaints received within the last three years by the Village or Police Department regarding noise or other issues arising from the playing of pickleball in the Village.**

If you have any questions regarding the attached, please contact Attorney Jaekels.

Thank you for your time and attention to this matter.

Respectfully submitted,

Dyer Salahadyn  
Legal Administrative Assistant to  
Attorney Christopher J. Jaekels

Dyer Salahadyn  
Legal Administrative Assistant  
Direct: 414.225.7519  
[dsalahadyn@amundsendavislaw.com](mailto:dsalahadyn@amundsendavislaw.com)  
[111 East Kilbourn Avenue, Suite 1400](#)  
[Milwaukee, Wisconsin 53202](#)  
<http://www.amundsendavislaw.com> | LinkedIn



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Christopher J. Jaekels, Esq.  
Amundsen Davis, LLC  
111 East Kilbourn Avenue – Suite 1400  
Milwaukee, WI 53202  
**Email:** [cjaekels@amundsendavislaw.com](mailto:cjaekels@amundsendavislaw.com)

March 4, 2024

**Via Email and US Mail**

Christopher Freedy  
Chief, Fox Point Police Department  
7300 North Santa Monica Boulevard  
Fox Point, WI 53217  
**Email:** [policerecords@villageoffoxpoint.com](mailto:policerecords@villageoffoxpoint.com)

Dear Chief Freedy:

Under the **Wisconsin Open Records Law, §19.31 et seq.**, I hereby request an opportunity to inspect or obtain copies of the following public records:

**Any complaints received within the last three years by the Village or Police Department regarding noise or other issues arising from the playing of pickleball in the Village.**

If there are any fees for searching or copying these records, please inform me if the cost will exceed one hundred dollars (\$100.00). Transmission via email is acceptable. This information is not being sought for commercial purposes.

Please provide a response in writing, as soon as possible. If you expect significant delay in fulfilling this request, please contact me with information about when I might expect copies or be able to inspect the requested records.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.

Very truly yours,

Amundsen Davis, LLC

A handwritten signature in blue ink, appearing to read "C. Jaekels", written over the printed name.

Christopher J. Jaekels

CJJ/das

## Jaekels, Christopher J.

---

**From:** Jaekels, Christopher J.  
**Sent:** Tuesday, March 5, 2024 2:47 PM  
**To:** Candace Maxim  
**Cc:** Salahadyn, Dyer A.  
**Subject:** RE: Records Request

Thank you Candace.

Can you confirm that you have no records of a complaint in the last three years anywhere in the Village concerning "Pickleball"?

Your assistance is most appreciated.

Chris Jaekels

**From:** Candace Maxim <cmaxim@villageoffoxpoint.com>  
**Sent:** Tuesday, March 5, 2024 10:10 AM  
**To:** Jaekels, Christopher J. <CJaekels@amundsendavislaw.com>  
**Subject:** Records Request

March 5, 2024

Dear Christopher Jaekels,

I am in receipt of your request for records pursuant to Wisconsin state statute chapter 19. After conducting a search of our records management system, I was able to locate the records listed below that match your search criteria. As outlined in our records retention policy, the records you requested are being delivered electronically so no fees are associated with the production of records.

Records provided:

Fox Point Police Department: 21.001945

If you have any questions, or you require anything further, feel free to call.

Best regards,

**Candace Maxim**

Administrative Assistant | Fox Point Police

7300 N Santa Monica Boulevard | Fox Point, Wisconsin 53217

(414)351-8911 Administration

(414)351-9900 Dispatch





Tuesday, March 5, 2024 16:15:37  
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Fox Point Police Department  
Roll Call Report



|                  |                               |                           |
|------------------|-------------------------------|---------------------------|
| <b>21-000247</b> | <b>Noise Complaint</b>        | Disposition <b>Finish</b> |
| 01/17/21 18:4236 | 8620 N Port Washington Rd,313 | Unit <b>505</b>           |
|                  |                               | Officer <b>bb1307</b>     |

Resident complaining of loud neighbor that has been occurring since the summer. CM is in constant contact with management regarding it. CM was advised to contact police when loud an unnecessary noise is occurring, in order to take action.

|                  |                               |                           |
|------------------|-------------------------------|---------------------------|
| <b>21-000517</b> | <b>Noise Complaint</b>        | Disposition <b>Finish</b> |
| 02/03/21 22:3406 | 7950 N Santa Monica Blvd,BLDG | Unit <b>516</b>           |
|                  |                               | Officer <b>vw3317</b>     |

Upon arrival, Town club members finishing a bonfire, would be leaving soon, No Names obtained.

|                  |                              |                           |
|------------------|------------------------------|---------------------------|
| <b>21-000692</b> | <b>Noise Complaint</b>       | Disposition <b>Finish</b> |
| 02/17/21 05:2459 | 6940 N Santa Monica Blvd,LOT | Unit <b>513</b>           |
|                  |                              | Officer <b>sg7147</b>     |

Subjects advised. stopping for night. no names obtained.

|                  |                        |                           |
|------------------|------------------------|---------------------------|
| <b>21-000817</b> | <b>Noise Complaint</b> | Disposition <b>Finish</b> |
| 02/25/21 00:0500 | 1811 E Dean Rd         | Unit <b>522</b>           |
|                  |                        | Officer <b>ln4461</b>     |

Caller reports hearing indistinct yelling coming from Doctor's Park for approximately 10 minutes. Caller advised two vehicles were observed leaving Doctor's park and traveling westbound Dean. Officers checked the area, GOA. No other callers. Caller was advised.

|                  |                        |                           |
|------------------|------------------------|---------------------------|
| <b>21-001186</b> | <b>Noise Complaint</b> | Disposition <b>Finish</b> |
| 03/20/21 19:3154 | 7545 N Lake Dr         | Unit <b>516</b>           |
|                  |                        | Officer <b>vw3317</b>     |

Caller stated his neighbor to the north was playing loud music an he could hear it in his home and stated this was an on going issue last year. Officer arrived and could hear music from lake drive. Officer made contact with 921 Calumet and advised them of the music level and noise ordnance. Resident advised music would be turned off for the night and attempted to be kept at a reasonable level prior to 10pm in the future.

|                  |                        |                           |
|------------------|------------------------|---------------------------|
| <b>21-001200</b> | <b>Noise Complaint</b> | Disposition <b>Finish</b> |
| 03/21/21 15:2203 | 1443 E Goodrich Ln     | Unit <b>516</b>           |
|                  |                        | Officer <b>vw3317</b>     |

Noise complaint due to cutting down trees. Contact made with caller and advised of they would be able to finish. All in order.

|                  |                         |                           |
|------------------|-------------------------|---------------------------|
| <b>21-001508</b> | <b>Noise Complaint</b>  | Disposition <b>Finish</b> |
| 04/09/21 23:0956 | N Boyd Way/E Calumet Rd | Unit <b>522</b>           |
|                  |                         | Officer <b>ln4461</b>     |

Caller, not wanting police contact, reports subjects down the street being loud and using flashlights in their yard. Caller reported the subjects then went inside. Officer checked the area, all appeared in order. No names obtained.



Tuesday, March 5, 2024 16:15:37

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# Fox Point Police Department

## Roll Call Report



**21-001791**

**Noise Complaint**

Disposition **Finish**  
Unit **511**  
Officer **cb4174**

04/26/21 04:0740 7529 N Navajo Rd

Heard dog barking while in kennel but the dog was in the garage. Garage door was closed but side door was open. Spoke with owner who stated the dog had been outside for 5 minutes. Explained to owner to keep all doors closed while dog was in the garage, provided other alternatives when letting the dog outside. Owner agreed to move the dog inside.

**21-001945**

**Noise Complaint**

Disposition **Finish**  
Unit **503**  
Officer **ka1794**

05/05/21 22:5332 7950 N Santa Monica Blvd,BLDG

Caller reported audible noise coming from the Paddle Ball courts at the Town Club. Spoke with subjects who had already shut music off and were advised to keep the noise down. No names obtained

**21-002495**

**Noise Complaint**

Disposition **Finish**  
Unit **516**  
Officer **vw3317**

06/09/21 19:1108 7600 N Port Washington Rd,LOT

Event going on, No Names

**21-002501**

**Noise Complaint**

Disposition **Finish**  
Unit **516**  
Officer **vw3317**

06/09/21 22:3145 8108 N Santa Monica Blvd

Caller stated he heard what sounded like construction going on to the south of him. Officer arrived and listened, heard nothing going on. All in order, no names.

**21-002581**

**Noise Complaint**

Disposition **Finish**  
Unit **513**  
Officer **sg7147**

06/14/21 00:0845 7500BLK N Mohawk Rd

Parked in area for several minutes, no music heard.

**21-002618**

**Noise Complaint**

Disposition **Finish**  
Unit **513**  
Officer **sg7147**

06/15/21 22:4732 8108 N Santa Monica Blvd

no music/noise heard since arrival.

**21-002832**

**Noise Complaint**

Disposition **Written Warning Issued**  
Unit **515**  
Officer **do8848 JR8159**

06/28/21 09:4518 7529 N Navajo Rd

Anon caller states in the backyard at this address dog has been barking for about 30 min now. 515/512 spoke with dog owner who placed the dog inside the residence. Verbal warning

**21-002939**

**Noise Complaint**

Disposition **Finish**  
Unit **520**  
Officer **jp5735**

07/03/21 21:4021 1443 E Goodrich Ln



Tuesday, March 5, 2024 16:15:37

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## Fox Point Police Department

### Roll Call Report



Family party with live music. Advised to turn down volume try to wrap up sound system use at 10 pm. Caller advised.

|                  |                        |                           |
|------------------|------------------------|---------------------------|
| <b>21-002941</b> | <b>Noise Complaint</b> | Disposition <b>Finish</b> |
| 07/03/21 22:2624 | 1443 E Goodrich Ln     | Unit <b>520</b>           |
|                  |                        | Officer <b>jp5735</b>     |

Party advised of second complaint. Music ended for the evening.

|                  |                        |                           |
|------------------|------------------------|---------------------------|
| <b>21-002959</b> | <b>Noise Complaint</b> | Disposition <b>Finish</b> |
| 07/05/21 00:4929 | 131 W Bradley Rd       | Unit <b>511</b>           |
|                  |                        | Officer <b>cb4174</b>     |

Caller complained loud music coming from listed address. Made contact with homeowner who agreed to turn music off for the night.

|                  |                        |                           |
|------------------|------------------------|---------------------------|
| <b>21-003091</b> | <b>Noise Complaint</b> | Disposition <b>Finish</b> |
| 07/12/21 22:2519 | 7307 N Beach Dr        | Unit <b>518</b>           |
|                  |                        | Officer <b>jh2765</b>     |

Veh parked in turn around with 6 juveniles. Parties were advised to leave and parents notified. Subjects advised they heard loud music coming from a residence to the west of 7328 N Beach. I located the music at 7307 N Beach and the resident turned it off.

|                  |                               |                           |
|------------------|-------------------------------|---------------------------|
| <b>21-003193</b> | <b>Noise Complaint</b>        | Disposition <b>Finish</b> |
| 07/17/21 23:3955 | 7950 N Santa Monica Blvd,BLDG | Unit <b>503</b>           |
|                  |                               | Officer <b>ka1794</b>     |

Report of loud music coming from the Town Club. Wedding reception was underway, and DJ advised by Town Club management to turn down the volume. No names obtained.

|                  |                        |                           |
|------------------|------------------------|---------------------------|
| <b>21-003307</b> | <b>Noise Complaint</b> | Disposition <b>Finish</b> |
| 07/23/21 22:3059 | 425 W Willow Ct,149    | Unit <b>518</b>           |
|                  |                        | Officer <b>jh2765</b>     |

Caller complained about the surround sound noise of his neighbor to the west. Contact made with the neighbor and I was unable to hear loud excessive noise coming from his condo. Neighbor was advised, no action.

|                  |                        |                           |
|------------------|------------------------|---------------------------|
| <b>21-003437</b> | <b>Noise Complaint</b> | Disposition <b>Finish</b> |
| 07/30/21 22:0235 | 1447 E Goodrich Ln     | Unit <b>520</b>           |
|                  |                        | Officer <b>jp5735</b>     |

Upon arrival, heard what sounded like several people talking in the backyard of the property. Resident advised of noise complaint. No enforcement action taken.

|                  |                        |                              |
|------------------|------------------------|------------------------------|
| <b>21-003592</b> | <b>Noise Complaint</b> | Disposition <b>Finish</b>    |
| 08/08/21 13:3634 | 7301 N Longacre Rd,LOT | Unit <b>515</b>              |
|                  |                        | Officer <b>JR8159 js9460</b> |



Tuesday, March 5, 2024 16:15:37  
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Fox Point Police Department  
Roll Call Report



Vehicle/Homeowner was on their way back from Seattle. Contact with key holder. issue resolved.

|                  |                        |                           |
|------------------|------------------------|---------------------------|
| <b>21-003712</b> | <b>Noise Complaint</b> | Disposition <b>Finish</b> |
| 08/12/21 04:3549 | 1006 E Spooner Rd      | Unit <b>504</b>           |
|                  |                        | Officer <b>mm1249</b>     |

Anonymous resident reported her neighbor has a loud generator. No cause. No contact made.

|                  |                         |                           |
|------------------|-------------------------|---------------------------|
| <b>21-003740</b> | <b>Noise Complaint</b>  | Disposition <b>Finish</b> |
| 08/13/21 06:1255 | 7301 N Longacre Rd,BLDG | Unit <b>513</b>           |
|                  |                         | Officer <b>sq7147</b>     |

Caller was wondering why construction at stormonth stated so early. Some repairs for storm damage and other crew stared as well. Crews advised of ordnance. All in order.

|                  |                        |                           |
|------------------|------------------------|---------------------------|
| <b>21-003778</b> | <b>Noise Complaint</b> | Disposition <b>Finish</b> |
| 08/14/21 23:2913 | 8200BLK N Whitney Rd   | Unit <b>516</b>           |
|                  |                        | Officer <b>vw3317</b>     |

Complaint of loud music, north of Whitney and Willow. Officer checked the area and was not able to hear any music. All in order, no names

|                  |                        |                           |
|------------------|------------------------|---------------------------|
| <b>21-003779</b> | <b>Noise Complaint</b> | Disposition <b>Finish</b> |
| 08/15/21 00:3306 | 164 E Willow Rd        | Unit <b>516</b>           |
|                  |                        | Officer <b>vw3317</b>     |

Complaint of loud music coming from this address. Officer checked the area and was not able to hear any music. All in order, no names

|                  |                        |                           |
|------------------|------------------------|---------------------------|
| <b>21-003801</b> | <b>Noise Complaint</b> | Disposition <b>Finish</b> |
| 08/16/21 08:2629 | 7529 N Navajo Rd       | Unit <b>502</b>           |
|                  |                        | Officer <b>ch9917</b>     |

Neighbor reported a dog barking for a time outside. No dog outside barking upon arrival. The resident was advised of the complaint.

|                  |                        |                           |
|------------------|------------------------|---------------------------|
| <b>21-004035</b> | <b>Noise Complaint</b> | Disposition <b>Finish</b> |
| 08/27/21 22:0039 | 6700BLK N Holly Ct     | Unit <b>518</b>           |
|                  |                        | Officer <b>jh2765</b>     |

Checked the area UTL loud music. Anon caller

|                  |                        |                           |
|------------------|------------------------|---------------------------|
| <b>21-004037</b> | <b>Noise Complaint</b> | Disposition <b>Finish</b> |
| 08/28/21 00:3124 | 6747 N Holly Ct        | Unit <b>511</b>           |
|                  |                        | Officer <b>cb4174</b>     |

Sat in front of residence with windows open and squad turned off. Did not hear any loud music or noise coming from residence. No contact made, no names obtained.



Tuesday, March 5, 2024 16:15:37  
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Fox Point Police Department  
Roll Call Report



|                  |                        |             |                               |
|------------------|------------------------|-------------|-------------------------------|
| <b>21-004138</b> | <b>Noise Complaint</b> | Disposition | <b>Written Warning Issued</b> |
| 09/02/21 01:5958 | 314 E Green Tree Rd    | Unit        | <b>522</b>                    |
|                  |                        | Officer     | <b>In4461</b>                 |

Caller reports dog barking for 45+ minutes. Contact made with with dog owner, warned and advised of complaint.

|                  |                        |             |               |
|------------------|------------------------|-------------|---------------|
| <b>21-004172</b> | <b>Noise Complaint</b> | Disposition | <b>Finish</b> |
| 09/03/21 20:4649 | 164 E Willow Rd        | Unit        | <b>518</b>    |
|                  |                        | Officer     | <b>jh2765</b> |

Area checked UTL

|                  |                        |             |               |
|------------------|------------------------|-------------|---------------|
| <b>21-004188</b> | <b>Noise Complaint</b> | Disposition | <b>Finish</b> |
| 09/04/21 14:5028 | 500 W Bradley Rd, LOT  | Unit        | <b>518</b>    |
|                  |                        | Officer     | <b>jh2765</b> |

Observed a ticking sound coming for willows condos. I will attempt to contact maintenance staff to have the problem repaired.

\*\*9-5-21 VM left for Hunt Property Management.

|                  |                        |             |                      |
|------------------|------------------------|-------------|----------------------|
| <b>21-005082</b> | <b>Noise Complaint</b> | Disposition | <b>Finish</b>        |
| 10/23/21 22:3304 | 7415 N Beach Dr        | Unit        | <b>515</b>           |
|                  |                        | Officer     | <b>JR8159 In4461</b> |

2 vehicles unrelated. All subjects advised of parking violation and subjects stated they would be heading home.

|                  |                        |             |               |
|------------------|------------------------|-------------|---------------|
| <b>21-005191</b> | <b>Noise Complaint</b> | Disposition | <b>Finish</b> |
| 10/30/21 22:0148 | 6747 N Holly Ct        | Unit        | <b>516</b>    |
|                  |                        | Officer     | <b>vw3317</b> |

ANONYMOUS CALLER STATING THERE WAS A LOUD PARTY AT THIS ADDRESS. OFFICER HEARD MUSIC UPON ARRIVAL AND MADE CONTACT WITH RESIDENT. RESIDENT LATER NOTICED HIS PATIO SPEAKERS WERE ON. RESIDENT WAS VERBALLY WARNED AND ADVISED OF NOISE ORDINANCE. NOISE LEVEL WAS LIMITED WHEN OFFICER LEFT.

|                  |                        |             |               |
|------------------|------------------------|-------------|---------------|
| <b>21-005229</b> | <b>Noise Complaint</b> | Disposition | <b>Finish</b> |
| 11/01/21 20:2714 | 7415 N Beach Dr        | Unit        | <b>520</b>    |
|                  |                        | Officer     | <b>jp5735</b> |

Vehicle parked playing loud music. Vehicle left prior to officer's arrival. No name obtained.

|                  |                               |             |               |
|------------------|-------------------------------|-------------|---------------|
| <b>21-005370</b> | <b>Noise Complaint</b>        | Disposition | <b>Finish</b> |
| 11/08/21 20:0438 | N Santa Monica Blvd/E Dean Rd | Unit        | <b>516</b>    |
|                  |                               | Officer     | <b>vw3317</b> |



Tuesday, March 5, 2024 16:15:37

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# Fox Point Police Department

## Roll Call Report



Anonymous caller stated dog barking somewhere between dean, bradley, and santa monica.  
UTL, no names

**21-005374**

**Noise Complaint**

Disposition **Finish**  
Unit **516**  
Officer **vw3317**

11/08/21 22:0537 7950 N Santa Monica Blvd,BLDG

3 adult females, talking around fire at Town Club. Music was turned off and they advised they would be leaving shortly. Party reminded of noise ordinance.

**22-000400**

**Noise Complaint**

Disposition **Finish**  
Unit **511**  
Officer **cb4174**

01/29/22 23:3917 6747 N Holly Ct

Parked squad on roadway with windows rolled down and squad turned off. Could hear loud audio and bass coming from residence. Made contact with resident who agreed to turn down the music for the remainder of the night.

**22-000402**

**Noise Complaint**

Disposition **Finish**  
Unit **511**  
Officer **cb4174**

01/30/22 01:3718 6747 N Holly Ct

Did not hear bass from turned off squad car with windows rolled down on roadway. Walked in between the properties and slightly heard bass coming from the residence. Subject was told to turn off the music for the night, if another complaint citation would be issued. Subject was cooperative and agreed to turn off music for the rest of the night.

**22-000750**

**Noise Complaint**

Disposition **Finish**  
Unit **513**  
Officer **sg7147**

02/22/22 23:0706 6747 N Holly Ct

Heard music coming from rear of house. made contact. res stated he would turn off music.

**22-000973**

**Noise Complaint**

Disposition **Finish**  
Unit **522**  
Officer **ln4461**

03/10/22 02:5429 8165 N Port Washington Rd

Barking dog complaint. Officers checked area, did not hear any barking. VM left for CM.

**22-001964**

**Noise Complaint**

Disposition **Finish**  
Unit **513**  
Officer **sg7147**

05/12/22 23:2557 6741 N Holly Ct

STOOD OUTSIDE HOME, NO NOISE HEARD

**22-002028**

**Noise Complaint**

Disposition **Finish**  
Unit **504**  
Officer **mm1249**

05/15/22 22:5822 7124 N Beach Dr

Anonymous caller reported people were outside talking loudly and the caller was trying to sleep. No noise heard, no name.



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## Fox Point Police Department

### Roll Call Report



|                  |                        |                           |
|------------------|------------------------|---------------------------|
| <b>22-002064</b> | <b>Noise Complaint</b> | Disposition <b>Finish</b> |
| 05/17/22 23:3524 | 7488 N Lombardy Rd     | Unit <b>511</b>           |
|                  |                        | Officer <b>cb4174</b>     |

Contact made with subject who agreed to stop working for the night. Contact made with caller.

|                  |                           |                           |
|------------------|---------------------------|---------------------------|
| <b>22-002109</b> | <b>Noise Complaint</b>    | Disposition <b>Finish</b> |
| 05/20/22 20:5835 | 8234 N Port Washington Rd | Unit <b>516</b>           |
|                  |                           | Officer <b>vw3317</b>     |

Caller stated dogs barking in the area. Area checked no dogs barking, No Names.

|                  |                        |                                          |
|------------------|------------------------|------------------------------------------|
| <b>22-002230</b> | <b>Noise Complaint</b> | Disposition <b>Verbal Warning Issued</b> |
| 05/28/22 20:0034 | 164 E Willow Rd        | Unit <b>516</b>                          |
|                  |                        | Officer <b>vw3317</b>                    |

Caller complained her neighbor was cutting the grass at 8PM and it was interrupting her trying to eat dinner. Neighbor was advised and verbally warned of ordinance. All in order.

The use of lawn equipment between the hours of 8:00 p.m. and 7:00 a.m. within the corporate limits of Fox Point shall be prima facie evidence of a violation of Subsection

|                  |                                     |                           |
|------------------|-------------------------------------|---------------------------|
| <b>22-002233</b> | <b>Noise Complaint</b>              | Disposition <b>Finish</b> |
| 05/28/22 22:2649 | N Lombardy Rd/N Santa Monica Blvd ↑ | Unit <b>516</b>           |
|                  |                                     | Officer <b>vw3317</b>     |

Anon caller for loud music near Lombardy and Santa Monica, officer checked area, no loud music, All in order, no names

|                  |                        |                           |
|------------------|------------------------|---------------------------|
| <b>22-002352</b> | <b>Noise Complaint</b> | Disposition <b>Finish</b> |
| 06/02/22 20:4000 | 7545 N Lake Dr         | Unit <b>516</b>           |
|                  |                        | Officer <b>vw3317</b>     |

Caller stated neighbor to the north had been playing music loudly for hours. Upon arrival, resident was observed from the street and music could be heard. Resident stated he was aware of ordinance and would be turning the music off shortly. All in order.

|                  |                        |                           |
|------------------|------------------------|---------------------------|
| <b>22-002594</b> | <b>Noise Complaint</b> | Disposition <b>Finish</b> |
| 06/15/22 17:4738 | 7755 N Seneca Rd       | Unit <b>516</b>           |
|                  |                        | Officer <b>vw3317</b>     |

Caller was worried about a person on a scooter in front of there house playing music, Greenix Pest Control employee with permit, was on the phone, all in order

|                  |                        |                           |
|------------------|------------------------|---------------------------|
| <b>22-002958</b> | <b>Noise Complaint</b> | Disposition <b>Finish</b> |
| 07/02/22 17:5851 | 1870 E Fox Ln          | Unit <b>520</b>           |
|                  |                        | Officer <b>jp5735</b>     |

No violation observed at Doctor's Park.



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## Fox Point Police Department

### Roll Call Report



**22-003091**

**Noise Complaint**

07/09/22 21:1551

7950 N Santa Monica Blvd,BLDG

Disposition **Finish**  
Unit **516**  
Officer **vw3317**

Live band till 10pm, all in order

**22-003205**

**Noise Complaint**

07/14/22 21:5125

1811 E Dean Rd

Disposition **Finish**  
Unit **520**  
Officer **jp5735**

Group of teens were playing games in the park, all in order no names in call.

**22-003239**

**Noise Complaint**

07/16/22 23:1020

8254 N Gray Log Ln

Disposition **Citation Issued**  
Unit **504**  
Officer **mm1249**

Caller reported a loud party from her neighbor's house. Contact made with homeowner citation for UAL was issued. Homeowner's parents were notified via phone.

**22-003405**

**Noise Complaint**

07/25/22 00:4842

7538 N Navajo Rd

Disposition **Finish**  
Unit **513**  
Officer **sq7147**

No noise heard. no one in area.

**22-003415**

**Noise Complaint**

07/25/22 14:3357

7513 N Navajo Rd

Disposition **Finish**  
Unit **514**  
Officer **ja3050**

CM wanted to complain further about neighbor at 7529 N Navajo Rd.

**22-003485**

**Noise Complaint**

07/28/22 20:3945

8200BLK N Gray Log Ln

Disposition **Finish**  
Unit **505**  
Officer **bb1307**

Report of tree work (noise) being done after 8:00 PM. U[on arrival, worker was putting gear away. Worker was advised 8pm end time for next time. DSantiago Landscaping. No names.

**22-003779**

**Noise Complaint**

08/13/22 22:2228

E Green Tree Rd/N Yates Rd

Disposition **Finish**  
Unit **516**  
Officer **vw3317**

Parents having a going away party for child going to college, advised to turn music off and keep level down.

**22-003817**

**Noise Complaint**

08/15/22 23:3330

8100BLK N Lake Dr

Disposition **Finish**  
Unit **513**  
Officer **sg7147**

Firework appear to be launched in Bayside.



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Fox Point Police Department  
Roll Call Report



|                  |                          |                           |
|------------------|--------------------------|---------------------------|
| <b>22-003876</b> | <b>Noise Complaint</b>   | Disposition <b>Finish</b> |
| 08/19/22 10:1505 | 6707 N Santa Monica Blvd | Unit <b>514</b>           |
|                  |                          | Officer <b>ja3050</b>     |

Neighbor complained about barking dog. OP advised she has tried classes for the dog and will look into more training. OP advised of barking dog ordinance.

|                  |                        |                           |
|------------------|------------------------|---------------------------|
| <b>22-004116</b> | <b>Noise Complaint</b> | Disposition <b>Finish</b> |
| 09/01/22 22:3223 | 7480 N Lombardy Rd     | Unit <b>511</b>           |
|                  |                        | Officer <b>cb4174</b>     |

Officers sat outside of residence with vehicles turned off. Did not hear any noise violations.

|                  |                                  |                           |
|------------------|----------------------------------|---------------------------|
| <b>22-004179</b> | <b>Noise Complaint</b>           | Disposition <b>Finish</b> |
| 09/04/22 21:0838 | W Bergen Dr/N Port Washington Rd | Unit <b>516</b>           |
|                  |                                  | Officer <b>vw3317</b>     |

Wedding on Bergen Ct, music finishing soon

|                  |                        |                           |
|------------------|------------------------|---------------------------|
| <b>22-004401</b> | <b>Noise Complaint</b> | Disposition <b>Finish</b> |
| 09/17/22 23:4648 | 7449 N Mohawk Rd       | Unit <b>513</b>           |
|                  |                        | Officer <b>sg7147</b>     |

Res advised to torn off music.

|                  |                        |                           |
|------------------|------------------------|---------------------------|
| <b>22-004541</b> | <b>Noise Complaint</b> | Disposition <b>Finish</b> |
| 09/25/22 22:3903 | 1200 E Bywater Ln      | Unit <b>522</b>           |
|                  |                        | Officer <b>ln4461</b>     |

Caller unsure where loud engine sound was coming from. Determined to be from a home generator on Gray Log Ln. Caller advised. No names.

|                  |                        |                           |
|------------------|------------------------|---------------------------|
| <b>22-005011</b> | <b>Noise Complaint</b> | Disposition <b>Finish</b> |
| 10/24/22 05:5517 | 215 W Blackhawk Rd     | Unit <b>503</b>           |
|                  |                        | Officer <b>ka1794</b>     |

Resident heard loud bang coming from the area of Nic Ehr Landscaping and requested the area be checked. Businesses in the area were checked, and nothing was located. No workers were on scene at any of the businesses, and no workers were actively working on the Port Washington Road/Bradley Road construction project. Caller was advised of findings, and stated she would follow up with the businesses in the area regarding the matter.

|                  |                        |                           |
|------------------|------------------------|---------------------------|
| <b>22-005118</b> | <b>Noise Complaint</b> | Disposition <b>Finish</b> |
| 10/29/22 22:2519 | 500 W Bradley Rd,A     | Unit <b>516</b>           |
|                  |                        | Officer <b>vw3317</b>     |

Anon caller stated car playing loud music in lot of A building. Source of music was coming from 503 Bradley rd in Glendale, Mutual Aid requested to stand by for officer to arrive. Officer arrived, resident advised, no names.



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Fox Point Police Department  
Roll Call Report



|                  |                        |                           |
|------------------|------------------------|---------------------------|
| <b>22-005148</b> | <b>Noise Complaint</b> | Disposition <b>Finish</b> |
| 10/31/22 12:4859 | 7851 N Regent Ct       | Unit <b>517</b>           |
|                  |                        | Officer <b>js9460</b>     |

No dog barking heard, no one home at residence in question

|                  |                        |                           |
|------------------|------------------------|---------------------------|
| <b>22-005414</b> | <b>Noise Complaint</b> | Disposition <b>Finish</b> |
| 11/17/22 23:0814 | 425 W Willow Ct,133    | Unit <b>516</b>           |
|                  |                        | Officer <b>vw3317</b>     |

Caller advised neighbors upstairs were being loud, upon arrival officer could hear noise from down the hall, contact made at apt 233, advised of ordinance, resident stated they would keep the noise down, all in order.

|                  |                        |                           |
|------------------|------------------------|---------------------------|
| <b>22-005534</b> | <b>Noise Complaint</b> | Disposition <b>Finish</b> |
| 11/25/22 23:3744 | 308 E Spooner Rd       | Unit <b>511</b>           |
|                  |                        | Officer <b>cb4174</b>     |

Noise complaint 2 males being loud outside residence. Sat outside with vehicle off and windows down. No noise heard.

|                  |                        |                           |
|------------------|------------------------|---------------------------|
| <b>22-005857</b> | <b>Noise Complaint</b> | Disposition <b>Finish</b> |
| 12/17/22 21:3014 | 7424 N Longacre Rd     | Unit <b>516</b>           |
|                  |                        | Officer <b>vw3317</b>     |

Caller was hearing odd noises from across the street (booming sounds), Officer checked the area and did not hear anything, all appeared in order. No Names

|                  |                        |                           |
|------------------|------------------------|---------------------------|
| <b>23-000219</b> | <b>Noise Complaint</b> | Disposition <b>Finish</b> |
| 01/13/23 22:4744 | 6936 N Barnett Ln      | Unit <b>516</b>           |
|                  |                        | Officer <b>vw3317</b>     |

Transfer from GLPD, Upon arrival, no music playing, lights off at homes in the area, area checked, appeared to be in order. No Names

|                  |                        |                           |
|------------------|------------------------|---------------------------|
| <b>23-001460</b> | <b>Noise Complaint</b> | Disposition <b>Finish</b> |
| 04/01/23 22:5944 | 7600BLK N Seneca Rd    | Unit <b>513</b>           |
|                  |                        | Officer <b>sg7147</b>     |

Area ckd. no music heard.

|                  |                                |                           |
|------------------|--------------------------------|---------------------------|
| <b>23-001780</b> | <b>Noise Complaint</b>         | Disposition <b>Finish</b> |
| 04/20/23 21:4936 | 7706 N Port Washington Rd,101A | Unit <b>504</b>           |
|                  |                                | Officer <b>mm1249</b>     |

Report of alarm sounding from neighboring apartment. Determined to be fire alarm from burnt food. NSFD requested. TOT NSFD.

|                  |                        |                           |
|------------------|------------------------|---------------------------|
| <b>23-002138</b> | <b>Noise Complaint</b> | Disposition <b>Finish</b> |
| 05/12/23 01:0050 | 7131 N Lombardy Rd     | Unit <b>505</b>           |
|                  |                        | Officer <b>bb1307</b>     |



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## Fox Point Police Department

### Roll Call Report



Resident heard a bell, thought it it was from the freeway, called 911, and went back to sleep.  
no contact, several construction noises heard in the area, coming from construction area.

|                  |                               |             |               |
|------------------|-------------------------------|-------------|---------------|
| <b>23-002222</b> | <b>Noise Complaint</b>        | Disposition | <b>Finish</b> |
| 05/16/23 19:4018 | 7530 N Port Washington Rd,202 | Unit        | <b>511</b>    |
|                  |                               | Officer     | <b>cb4174</b> |

Caller wished to document an on going issue with the tenant in the condo directly above her.  
Caller stated the volume of her neighbors TV has been too loud on multiple occasions keeping her awake at night. Caller has addressed issue with the actual owner of the condo as well as the board of the condo association. Caller was advised of Fox Point noise ordinance and to call if problem continues.

|                  |                        |             |               |
|------------------|------------------------|-------------|---------------|
| <b>23-002671</b> | <b>Noise Complaint</b> | Disposition | <b>Finish</b> |
| 06/09/23 20:2636 | 1600BLK E Fox Ln       | Unit        | <b>518</b>    |
|                  |                        | Officer     | <b>jh2765</b> |

Caller stated his neighbor is using an electric leaf blower after 7 and would like them to stop.  
Call canceled prior to arrival as the neighbor stopped blowing yard waste.

|                  |                                |             |               |
|------------------|--------------------------------|-------------|---------------|
| <b>23-002806</b> | <b>Noise Complaint</b>         | Disposition | <b>Finish</b> |
| 06/16/23 16:2340 | 7704 N Port Washington Rd,301C | Unit        | <b>505</b>    |
|                  |                                | Officer     | <b>bb1307</b> |

A group of anonymous residents complained about the three small children in apartment 301c, regarding them playing loudly in the building. they had tried to solve the issue with the mother in the past, and also advised management. They were advised to audio record the noise when they can to provide to management. No noise heard while on scene. no names com CMs obtained.

|                  |                               |             |               |
|------------------|-------------------------------|-------------|---------------|
| <b>23-003249</b> | <b>Noise Complaint</b>        | Disposition | <b>Finish</b> |
| 07/09/23 00:4046 | 7950 N Santa Monica Blvd,BLDG | Unit        | <b>512</b>    |
|                  |                               | Officer     | <b>rr0200</b> |

Spoke with GM from the Town Club, it was staff swimming in the pool, everyone is leaving

|                  |                         |             |                  |
|------------------|-------------------------|-------------|------------------|
| <b>23-003401</b> | <b>Noise Complaint</b>  | Disposition | <b>Cancelled</b> |
| 07/15/23 07:2345 | E Mall Rd/N Lombardy Rd | Unit        |                  |
|                  |                         | Officer     |                  |

Noise was from freeway construction at I43 and Good Hope Rd.

|                  |                          |             |               |
|------------------|--------------------------|-------------|---------------|
| <b>23-003412</b> | <b>Noise Complaint</b>   | Disposition | <b>Finish</b> |
| 07/15/23 21:0032 | 8308 N Indian Creek Pkwy | Unit        | <b>518</b>    |
|                  |                          | Officer     | <b>jh2765</b> |

O/P was advised of noise ord. and she shut off the pressure washer for the night.

|                  |                               |             |               |
|------------------|-------------------------------|-------------|---------------|
| <b>23-003952</b> | <b>Noise Complaint</b>        | Disposition | <b>Finish</b> |
| 08/07/23 20:4941 | 8700 N Port Washington Rd,209 | Unit        | <b>504</b>    |
|                  |                               | Officer     | <b>mm1249</b> |



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## Fox Point Police Department

### Roll Call Report



Caller reported someone was using a lawn mower. Area checked, no noise observed. No names.

|                  |                        |                           |
|------------------|------------------------|---------------------------|
| <b>23-004063</b> | <b>Noise Complaint</b> | Disposition <b>Finish</b> |
| 08/12/23 18:3820 | 8148 N Gray Log Ln     | Unit <b>518</b>           |
|                  |                        | Officer <b>jh2765</b>     |

Residents having an end of summer party. Advised to turn music down and of noise ordinance. Residents stated they would comply.

|                  |                        |                           |
|------------------|------------------------|---------------------------|
| <b>23-004212</b> | <b>Noise Complaint</b> | Disposition <b>Finish</b> |
| 08/19/23 23:2629 | 139 E Good Hope Rd     | Unit <b>516</b>           |
|                  |                        | Officer <b>vw3317</b>     |

Residents were having a party for there son. Advised of noise ordinance and stated they understood, all was in order when officers left.

|                  |                                |                           |
|------------------|--------------------------------|---------------------------|
| <b>23-005145</b> | <b>Noise Complaint</b>         | Disposition <b>Finish</b> |
| 10/05/23 17:3748 | 7704 N Port Washington Rd,101C | Unit <b>522</b>           |
|                  |                                | Officer <b>ln4461</b>     |

Ongoing issues with upstairs neighbor's children that continue to "stomp and jump" while they are playing in their apartment. Neighbors have filed formal complaints with the management. No issues observed while officer on scene. Advised to continue to document instances and contact management. Unable to make contact with neighbor.

|                  |                                |                           |
|------------------|--------------------------------|---------------------------|
| <b>23-005442</b> | <b>Noise Complaint</b>         | Disposition <b>Finish</b> |
| 10/22/23 18:0102 | 7704 N Port Washington Rd,101C | Unit <b>522</b>           |
|                  |                                | Officer <b>ln4461</b>     |

Ongoing issues with upstairs neighbors in unit #201. CM reports children continue to "stomp and jump" while they are playing in their apartment. Normal walking/running stomps observed by officer on scene. CM requested neighbor be made aware of complaint. Officer made contact with neighbor who was made aware of complaint and did not wish to speak with officer. Advised CM to continue to document instances and contact management. 505 later spoke with neighbor via phone.

|                  |                        |                           |
|------------------|------------------------|---------------------------|
| <b>23-006619</b> | <b>Noise Complaint</b> | Disposition <b>Finish</b> |
| 12/21/23 19:1214 | 511 W Dean Ct          | Unit <b>511</b>           |
|                  |                        | Officer <b>cb4174</b>     |

Caller complaint of loud bass coming from vehicle in driveway. Officer did not observe any noise violation upon arrival. Spoke with resident who stated he was coming home from work and pulling into his driveway, not idling in the driveway with loud music.

|                  |                               |                           |
|------------------|-------------------------------|---------------------------|
| <b>24-000277</b> | <b>Noise Complaint</b>        | Disposition <b>Finish</b> |
| 01/17/24 03:1948 | 8649 N Port Washington Rd,LOT | Unit <b>515</b>           |
|                  |                               | Officer <b>wb0161</b>     |

Large piles of snow next to Jose's. 2 Dump trucks are dumping snow into the pile. Snow is coming from area of 1515 Mequon Rd, Mequon. Contact made with one of the drivers, advised him of the noise ordinance. The driver stated they had 1 or 2 more loads each before being done. They stated they would prevent rear door from banging after they dump snow. No Names.

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## Fox Point Police Department

### Roll Call Report



**24-000406**

#### Noise Complaint

01/25/24 02:2920

7704 N Port Washington Rd,207C

Disposition **Finish**  
Unit **513**  
Officer **sg7147**

Res was talking loud on phone after receiving bad news. only person in apt

**24-000998**

#### Noise Complaint

02/24/24 20:2455

7950 N Santa Monica Blvd,BLDG

Disposition **Finish**  
Unit **518**  
Officer **jh2765**

I did not hear any music while parked in the parking lot. Courts were busy and there was a lot of talking and yelling from the players. No action, no violation occurring.

**24-001001**

#### Noise Complaint

02/24/24 21:4751

7950 N Santa Monica Blvd,BLDG

Disposition **Finish**  
Unit **518**  
Officer **jh2765**

Music was turned off. Members advised they are leaving at 10PM. No names



**Exhibit 11**

**Roster of Adult Town Club Members Who Are  
Fox Point Residents  
(173 Total)**

## Jaekels, Christopher J.

**From:** Abby Schroeder <Abby@thetownclub.com>  
**Sent:** Monday, March 25, 2024 4:13 PM  
**To:** Jaekels, Christopher J.

Here is the list of members. I removed email, address and first names—is that ok?

If not let me know. I also left Christine Symchych on the list not sure if you want her removed.

I emailed everyone again and then sent the list so far of letters.

| Last Name | Address City | Address State/Province | Zip Postal Code |
|-----------|--------------|------------------------|-----------------|
| Prater    | Fox Point    | Wisconsin              | 53217           |
| Prater    | Fox Point    | Wisconsin              | 53217           |
| Darragh   | Fox Point    | Wisconsin              | 53217           |
| Darragh   | Fox Point    | Wisconsin              | 53217           |
| Ward      | Fox Point    | Wisconsin              | 53217           |
| Ward      | Fox Point    | Wisconsin              | 53217           |
| Stratton  | Fox Point    | Wisconsin              | 53217           |
| Stratton  | Fox Point    | Wisconsin              | 53217           |
| De Lia    | Fox Point    | Wisconsin              | 53217           |
| Schuele   | Fox Point    | Wisconsin              | 53217           |
| Schuele   | Fox Point    | Wisconsin              | 53217           |
| Coffey    | Fox Point    | Wisconsin              | 53217           |
| Coffey    | Fox Point    | Wisconsin              | 53217           |
| Erlandson | Fox Point    | Wisconsin              | 53217           |
| Erlandson | Fox Point    | Wisconsin              | 53217           |
| Stallè    | Fox Point    | Wisconsin              | 53217           |
| Stallè    | Fox Point    | Wisconsin              | 53217           |
| Horsfield | Fox Point    | Wisconsin              | 53217           |
| Horsfield | Fox Point    | Wisconsin              | 53217           |
| Vielehr   | Fox Point    | Wisconsin              | 53217           |
| Vielehr   | Fox Point    | Wisconsin              | 53217           |
| Miller    | Fox Point    | Wisconsin              | 53217           |
| Miller    | Fox Point    | Wisconsin              | 53217           |
| Fritz     | Fox Point    | Wisconsin              | 53217           |
| Fritz     | Fox Point    | Wisconsin              | 53217           |
| Fuldner   | Fox Point    | Wisconsin              | 53217           |
| Garmer    | Fox Point    | Wisconsin              | 53217           |
| Garmer    | Fox Point    | Wisconsin              | 53217           |
| Goelzer   | Fox Point    | Wisconsin              | 53217           |
| Goelzer   | Fox Point    | Wisconsin              | 53217           |
| Nelson    | Fox Point    | Wisconsin              | 53217           |

|                     |           |           |       |
|---------------------|-----------|-----------|-------|
| Nelson              | Fox Point | Wisconsin | 53217 |
| Haker               | Fox Point | Wisconsin | 53217 |
| Terlizzi            | Fox Point | Wisconsin | 53217 |
| Terlizzi            | Fox Point | Wisconsin | 53217 |
| Terlizzi            | Fox Point | Wisconsin | 53217 |
| Roberts             | Fox Point | Wisconsin | 53217 |
| Roberts             | Fox Point | Wisconsin | 53217 |
| Seymour             | Fox Point | Wisconsin | 53217 |
| Poehling<br>Seymour | Fox Point | Wisconsin | 53217 |
| Seymour             | Fox Point | Wisconsin | 53217 |
| Alderton            | Fox Point | Wisconsin | 53217 |
| Alderton            | Fox Point | Wisconsin | 53217 |
| Bomhack             | Fox Point | Wisconsin | 53217 |
| Bomhack             | Fox Point | Wisconsin | 53217 |
| Buckley             | Fox Point | Wisconsin | 53217 |
| Buckley             | Fox Point | Wisconsin | 53217 |
| Schweitz            | Fox Point | Wisconsin | 53217 |
| McGauran            | Fox Point | Wisconsin | 53217 |
| McGauran            | Fox Point | Wisconsin | 53217 |
| Corcoran            | Fox Point | Wisconsin | 53217 |
| Corcoran            | Fox Point | Wisconsin | 53217 |
| Meyers              | Fox Point | Wisconsin | 53217 |
| Meyers              | Fox Point | Wisconsin | 53217 |
| Garrett             | Fox Point | Wisconsin | 53217 |
| Garrett             | Fox Point | Wisconsin | 53217 |
| Mellowes            | Fox Point | Wisconsin | 53217 |
| Mellowes            | Fox Point | Wisconsin | 53217 |
| Witt                | Fox Point | Wisconsin | 53217 |
| Witt                | Fox Point | Wisconsin | 53217 |
| Minahan             | Fox Point | Wisconsin | 53217 |
| Minahan             | Fox Point | Wisconsin | 53217 |
| Pecoraro            | Fox Point | Wisconsin | 53217 |
| Pecoraro            | Fox Point | Wisconsin | 53217 |
| Ford                | Fox Point | Wisconsin | 53217 |
| Ford                | Fox Point | Wisconsin | 53217 |
| Schley              | Fox Point | Wisconsin | 53217 |
| Schley              | Fox Point | Wisconsin | 53217 |
| Allen               | Fox Point | Wisconsin | 53217 |
| Allen               | Fox Point | Wisconsin | 53217 |
| Mandell             | Fox Point | Wisconsin | 53217 |
| Mandell             | Fox Point | Wisconsin | 53217 |
| Vincent             | Fox Point | Wisconsin | 53217 |
| Vincent             | Fox Point | Wisconsin | 53217 |
| Williams            | Fox Point | Wisconsin | 53217 |

|               |           |           |       |
|---------------|-----------|-----------|-------|
| Williams      | Fox Point | Wisconsin | 53217 |
| Bausch        | Fox Point | Wisconsin | 53217 |
| Bausch        | Fox Point | Wisconsin | 53217 |
| Olla          | Fox Point | Wisconsin | 53217 |
| Olla          | Fox Point | Wisconsin | 53217 |
| Friedman      | Fox Point | Wisconsin | 53217 |
| Sennett       | Fox Point | Wisconsin | 53217 |
| Sennett       | Fox Point | Wisconsin | 53217 |
| Mooney        | Fox Point | Wisconsin | 53217 |
| Mooney        | Fox Point | Wisconsin | 53217 |
| Smith         | Fox Point | Wisconsin | 53217 |
| Smith         | Fox Point | Wisconsin | 53217 |
| Larsen        | Fox Point | Wisconsin | 53217 |
| Larsen        | Fox Point | Wisconsin | 53217 |
| Koehn         | Fox Point | Wisconsin | 53217 |
| McCabe        | Fox Point | Wisconsin | 53217 |
| Olla          | Fox Point | Wisconsin | 53217 |
| Mussak        | Fox Point | Wisconsin | 53217 |
| Mussak        | Fox Point | Wisconsin | 53217 |
| Wagner        | Fox Point | Wisconsin | 53217 |
| Wagner        | Fox Point | Wisconsin | 53217 |
| Krausen       | Fox Point | Wisconsin | 53217 |
| Krausen       | Fox Point | Wisconsin | 53217 |
| Short         | Fox Point | Wisconsin | 53217 |
| Short         | Fox Point | Wisconsin | 53217 |
| Hayssen       | Fox Point | Wisconsin | 53217 |
| Hayssen       | Fox Point | Wisconsin | 53217 |
| Redden        | Fox Point | Wisconsin | 53217 |
| Redden        | Fox Point | Wisconsin | 53217 |
| Brunner       | Fox Point | Wisconsin | 53217 |
| Brunner       | Fox Point | Wisconsin | 53217 |
| Rohmer        | Fox Point | Wisconsin | 53217 |
| Rohmer        | Fox Point | Wisconsin | 53217 |
| Donner        | Fox Point | Wisconsin | 53217 |
| Donner        | Fox Point | Wisconsin | 53217 |
| Bloom         | Fox Point | Wisconsin | 53217 |
| Barrett Bloom | Fox Point | Wisconsin | 53217 |
| Schuett       | Fox Point | Wisconsin | 53217 |
| Spadafora     | Fox Point | Wisconsin | 53217 |
| Spadafora     | Fox Point | Wisconsin | 53217 |
| Shovers       | Fox Point | Wisconsin | 53217 |
| Shovers       | Fox Point | Wisconsin | 53217 |
| Bruce         | Fox Point | Wisconsin | 53217 |
| Bruce         | Fox Point | Wisconsin | 53217 |

|                      |           |           |       |
|----------------------|-----------|-----------|-------|
| Coleman              | Fox Point | Wisconsin | 53217 |
| Coleman              | Fox Point | Wisconsin | 53217 |
| Adelman              | Fox Point | Wisconsin | 53217 |
| Adelman              | Fox Point | Wisconsin | 53217 |
| Deveneau             | Fox Point | Wisconsin | 53217 |
| Newton               | Fox Point | Wisconsin | 53217 |
| Williams             | Fox Point | Wisconsin | 53217 |
| Williams             | Fox Point | Wisconsin | 53217 |
| Adelman              | Fox Point | Wisconsin | 53217 |
| Marks                | Fox Point | Wisconsin | 53217 |
| Marks                | Fox Point | Wisconsin | 53217 |
| Dorn                 | Fox Point | Wisconsin | 53217 |
| Dorn                 | Fox Point | Wisconsin | 53217 |
| Dunst                | Fox Point | Wisconsin | 53217 |
| Dunst                | Fox Point | Wisconsin | 53217 |
| Kruger-<br>Gruendyke | Fox Point | Wisconsin | 53217 |
| Gruendyke            | Fox Point | Wisconsin | 53217 |
| Finley               | Fox Point | Wisconsin | 53217 |
| Pruitt               | Fox Point | Wisconsin | 53217 |
| Pruitt               | Fox Point | Wisconsin | 53217 |
| Elson                | Fox Point | Wisconsin | 53217 |
| Elson                | Fox Point | Wisconsin | 53217 |
| Legarza              | Fox Point | Wisconsin | 53217 |
| Legarza              | Fox Point | Wisconsin | 53217 |
| Connolly             | Fox Point | Wisconsin | 53217 |
| Connolly             | Fox Point | Wisconsin | 53217 |
| Dabrowski            | Fox Point | Wisconsin | 53217 |
| Dabrowski            | Fox Point | Wisconsin | 53217 |
| Fuerst               | Fox Point | Wisconsin | 53217 |
| Fuerst               | Fox Point | Wisconsin | 53217 |
| Gruber               | Fox Point | Wisconsin | 53217 |
| Gruber               | Fox Point | Wisconsin | 53217 |
| Hoelzle              | Fox Point | Wisconsin | 53217 |
| Hoelzle              | Fox Point | Wisconsin | 53217 |
| Simon                | Fox Point | Wisconsin | 53217 |
| Simon                | Fox Point | Wisconsin | 53217 |
| Torres               | Fox Point | Wisconsin | 53217 |
| Torres               | Fox Point | Wisconsin | 53217 |
| Forster              | Fox Point | Wisconsin | 53217 |
| Forster              | Fox Point | Wisconsin | 53217 |
| Adelman              | Fox Point | Wisconsin | 53217 |
| Adelman              | Fox Point | Wisconsin | 53217 |
| Mullin               | Fox Point | Wisconsin | 53217 |
| Mullin               | Fox Point | Wisconsin | 53217 |

|          |            |           |       |
|----------|------------|-----------|-------|
| Wanta    | Fox Point  | Wisconsin | 53217 |
| Wilson   | Fox Point  | Wisconsin | 53217 |
| Miller   | Fox Point  | Wisconsin | 53217 |
| Miller   | Fox Point  | Wisconsin | 53217 |
| Symchych | Fox Point  | Wisconsin | 53217 |
| McNulty  | Fox Point  | Wisconsin | 53217 |
| Nelson   | Fox Point, | Wisconsin | 53217 |
| Nelson   | Fox Point, | Wisconsin | 53217 |

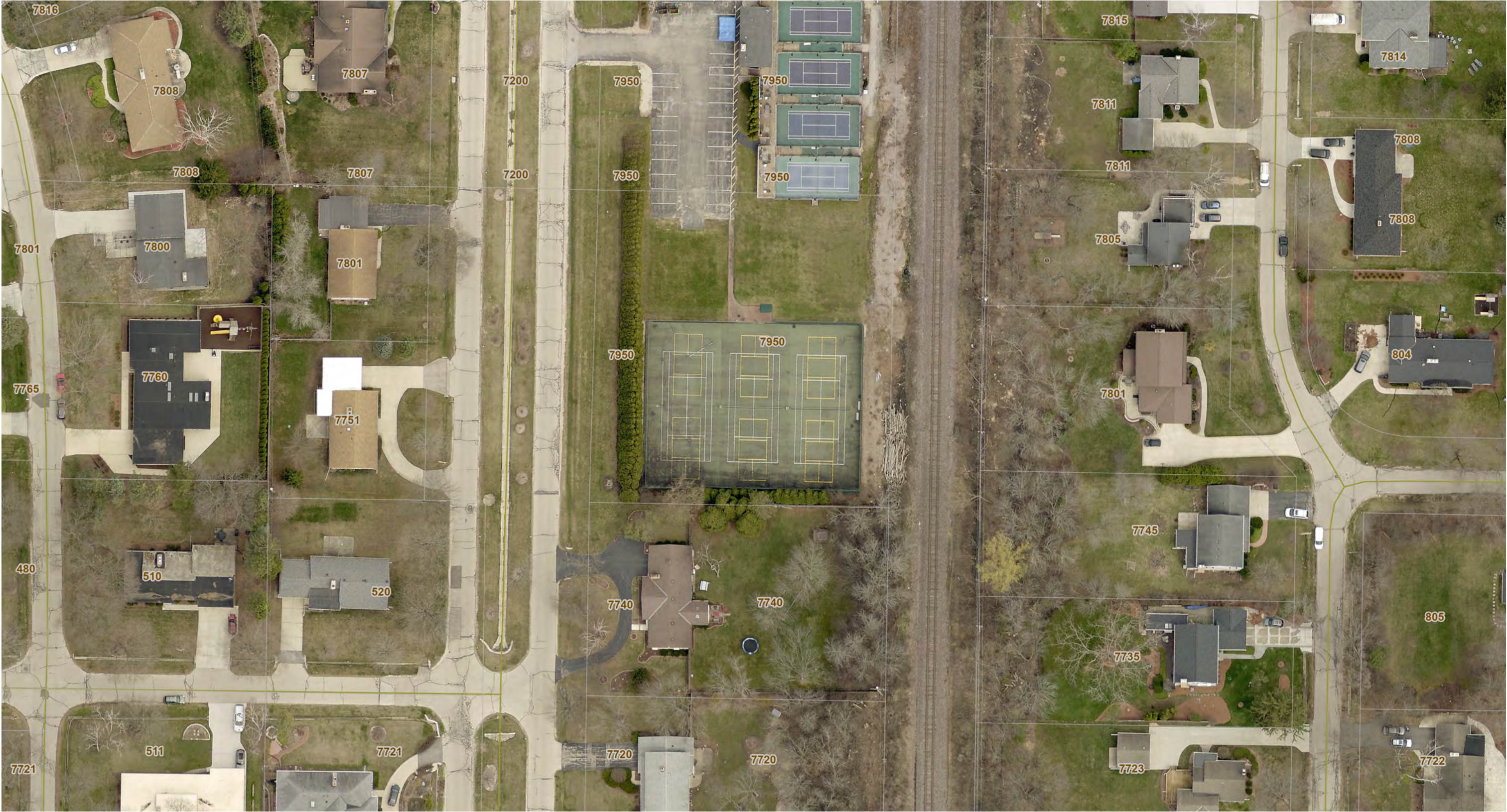


## **Exhibit 12**

### **Site Plans**

**(One Current, Two Proposed)**





7950 N. Santa Monica Blvd.  
Existing Conditions



SCALE: 1" = 94'

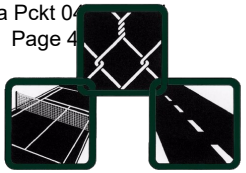
DISCLAIMER: The Village of Fox Point Does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.



VILLAGE OF FOX POINT  
7200 North Santa Monica Boulevard  
Fox Point, WI 53217  
(414) 351-8900

Print Date: 3/27/2024





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**THE TOWN CLUB**  
7950 N. SANTA MONICA BLVD.  
MILWAUKEE, WI 53217

PICKLEBALL COURT RECONSTRUCTION

**COURT  
SITE PLAN**

**Date:** 08/08/2023

**Drawn by:** K. Meerdink

|                                                                                  |                 |
|----------------------------------------------------------------------------------|-----------------|
|  | 4'H Chain Link  |
|  | 4'W Swing Gate  |
|  | 10'H Chain Link |
|  | 12'H Chain Link |







# TOWN CLUB - 7950 N SANTA MONICA BLVD.



## Legend

- Cadastral
  - Parcel Dimension Labels
  - Note
  - ParcelDimension
  - <all other values>
- Parcel Key Labels
  - Note
  - ParcelKey
  - <all other values>
- Carto Line Labels
  - CivilDivision
  - Easement
  - Note
  - <all other values>
- Condo Labels
  - CondoName
  - CondoPhase
  - Note
  - <all other values>
- CSM Labels
  - CSMLot
  - CSMNumber
  - RoadResDimension
  - <all other values>
- ROW Labels
  - Note
  - ROWDimension
  - ROWName

## Notes

0 250 500  
ft

This map is a user generated static output from an Internet mapping site and is for reference only.  
Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.



## **Exhibit 13**

### **Union Pacific Railroad Schedule and Train Horn Decibel Information**

Jaekels, Christopher J.

**From:** Blumenberg, Tina (FRA) <tina.blumenberg@dot.gov>  
**Sent:** Wednesday, March 6, 2024 3:18 PM  
**To:** Jaekels, Christopher J.  
**Cc:** Salahadyn, Dyer A.; Domres, Thomas (FRA); Diaz, Cecilia (FRA)  
**Subject:** RE: Frequency of Trains in Fox Point, Wisconsin [IWOV-Active.FID1448431]  
**Attachments:** CrossingInventory - Fox Point, WI.pdf

Hi Chris,

According to the inventory records indicate that it appears to be only 2 trains per day (1 during the day and 1 at night), but you might want to reach out to UP Railroad to verify that since that data is dated as of 2019.

DOT# 180107W Dean Rd

| Part II: Railroad Information                                                                                                                                                                                                                                                                  |                                                     |                                                                                                                                      |                                |                                                                                                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|-------------------------------------------------------------------------------------------------------|
| 1. Estimated Number of Daily Train Movements                                                                                                                                                                                                                                                   |                                                     |                                                                                                                                      |                                |                                                                                                       |
| 1.A. Total Day Thru Trains<br>(6 AM to 6 PM)<br>1                                                                                                                                                                                                                                              | 1.B. Total Night Thru Trains<br>(6 PM to 6 AM)<br>1 | 1.C. Total Switching Trains<br>0                                                                                                     | 1.D. Total Transit Trains<br>0 | 1.E. Check if Less Than<br>One Movement Per Day<br>How many trains per week? <input type="checkbox"/> |
| 2. Year of Train Count Data (YYYY)<br>2019                                                                                                                                                                                                                                                     |                                                     | 3. Speed of Train at Crossing<br>3.A. Maximum Timetable Speed (mph) 25<br>3.B. Typical Speed Range Over Crossing (mph) From 12 to 25 |                                |                                                                                                       |
| 4. Type and Count of Tracks<br>Main 1 Siding 0 Yard 0 Transit 0 Industry 0                                                                                                                                                                                                                     |                                                     |                                                                                                                                      |                                |                                                                                                       |
| 5. Train Detection (Main Track only)<br><input type="checkbox"/> Constant Warning Time <input checked="" type="checkbox"/> Motion Detection <input type="checkbox"/> AFO <input type="checkbox"/> PTC <input type="checkbox"/> DC <input type="checkbox"/> Other <input type="checkbox"/> None |                                                     |                                                                                                                                      |                                |                                                                                                       |
| 6. Is Track Signaled?<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                                                                                                   |                                                     | 7.A. Event Recorder<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                           |                                | 7.B. Remote Health Monitoring<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  |

FORM FRA F 6180.71 (Rev. 08/03/2016) OMB approval expires 11/30/2022 Page 1 OF 2

DOT# 180103U Green Tree Rd

| Part II: Railroad Information                                                                                                                                                                                                                                                                  |                                                     |                                                                                                                                      |                                |                                                                                                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|-------------------------------------------------------------------------------------------------------|
| 1. Estimated Number of Daily Train Movements                                                                                                                                                                                                                                                   |                                                     |                                                                                                                                      |                                |                                                                                                       |
| 1.A. Total Day Thru Trains<br>(6 AM to 6 PM)<br>1                                                                                                                                                                                                                                              | 1.B. Total Night Thru Trains<br>(6 PM to 6 AM)<br>1 | 1.C. Total Switching Trains<br>0                                                                                                     | 1.D. Total Transit Trains<br>0 | 1.E. Check if Less Than<br>One Movement Per Day<br>How many trains per week? <input type="checkbox"/> |
| 2. Year of Train Count Data (YYYY)<br>2019                                                                                                                                                                                                                                                     |                                                     | 3. Speed of Train at Crossing<br>3.A. Maximum Timetable Speed (mph) 25<br>3.B. Typical Speed Range Over Crossing (mph) From 12 to 25 |                                |                                                                                                       |
| 4. Type and Count of Tracks<br>Main 1 Siding 0 Yard 0 Transit 0 Industry 0                                                                                                                                                                                                                     |                                                     |                                                                                                                                      |                                |                                                                                                       |
| 5. Train Detection (Main Track only)<br><input type="checkbox"/> Constant Warning Time <input checked="" type="checkbox"/> Motion Detection <input type="checkbox"/> AFO <input type="checkbox"/> PTC <input type="checkbox"/> DC <input type="checkbox"/> Other <input type="checkbox"/> None |                                                     |                                                                                                                                      |                                |                                                                                                       |
| 6. Is Track Signaled?<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                                                                                                   |                                                     | 7.A. Event Recorder<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                           |                                | 7.B. Remote Health Monitoring<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  |

FORM FRA F 6180.71 (Rev. 08/03/2016) OMB approval expires 11/30/2022 Page 1 OF 2

DOT# 180106P Bradley Rd

| Part II: Railroad Information                                                                                                                                                                                                                                                                  |                                                     |                                                                                                                                      |                                |                                                                                                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|-------------------------------------------------------------------------------------------------------|
| 1. Estimated Number of Daily Train Movements                                                                                                                                                                                                                                                   |                                                     |                                                                                                                                      |                                |                                                                                                       |
| 1.A. Total Day Thru Trains<br>(6 AM to 6 PM)<br>1                                                                                                                                                                                                                                              | 1.B. Total Night Thru Trains<br>(6 PM to 6 AM)<br>1 | 1.C. Total Switching Trains<br>0                                                                                                     | 1.D. Total Transit Trains<br>0 | 1.E. Check if Less Than<br>One Movement Per Day<br>How many trains per week? <input type="checkbox"/> |
| 2. Year of Train Count Data (YYYY)<br>2019                                                                                                                                                                                                                                                     |                                                     | 3. Speed of Train at Crossing<br>3.A. Maximum Timetable Speed (mph) 25<br>3.B. Typical Speed Range Over Crossing (mph) From 12 to 25 |                                |                                                                                                       |
| 4. Type and Count of Tracks<br>Main 1 Siding 0 Yard 0 Transit 0 Industry 0                                                                                                                                                                                                                     |                                                     |                                                                                                                                      |                                |                                                                                                       |
| 5. Train Detection (Main Track only)<br><input type="checkbox"/> Constant Warning Time <input checked="" type="checkbox"/> Motion Detection <input type="checkbox"/> AFO <input type="checkbox"/> PTC <input type="checkbox"/> DC <input type="checkbox"/> Other <input type="checkbox"/> None |                                                     |                                                                                                                                      |                                |                                                                                                       |
| 6. Is Track Signaled?<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                                                                                                   |                                                     | 7.A. Event Recorder<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                           |                                | 7.B. Remote Health Monitoring<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  |

FORM FRA F 6180.71 (Rev. 08/03/2016) OMB approval expires 11/30/2022 Page 1 OF 2



To verify or to request an updated train count, you can contact Melinda DuBay at UP: Melinda DuBay [MSDUBAY@UP.COM](mailto:MSDUBAY@UP.COM) and if it's for a quiet zone, then cc' their quiet zone consultant: Jonathan Turner [jturner@moffattnichol.com](mailto:jturner@moffattnichol.com). Here is the rest of her contact info.

**Melinda S. DuBay**

Union Pacific | Manager I, Engineering-Public Projects

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Click here for [Third-party Flagging Info](#)

Phone: 402-544-3992

1400 Douglas Street MS910

Mobile: 402-598-4981

Omaha, NE 68179

Email: [msdubay@up.com](mailto:msdubay@up.com)

[www.up.com](http://www.up.com)

I have cc'd Tom Domres and Cecilia Diaz. They are our FRA Inspectors that cover Wisconsin and can assist you more directly.

Thanks,

*Tina Blumenberg*

*Railroad Safety Supervisory Specialist*

*Grade Crossing & Trespasser Outreach*

**Federal Railroad Administration**

**District 4 – Chicago**

**312-502-1605**

**From:** Jaekels, Christopher J. <[CJaekels@amundsendavislaw.com](mailto:CJaekels@amundsendavislaw.com)>

**Sent:** Wednesday, March 6, 2024 3:05 PM

**To:** Blumenberg, Tina (FRA) <[tina.blumenberg@dot.gov](mailto:tina.blumenberg@dot.gov)>

**Cc:** Salahadyn, Dyer A. <[DSalahadyn@amundsendavislaw.com](mailto:DSalahadyn@amundsendavislaw.com)>

**Subject:** Frequency of Trains in Fox Point, Wisconsin [IWOV-Active.FID1448431]

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Blumenberg,

Could you tell me how many trains per day/week/month/year pass through the Village of Fox Point Wisconsin on the Union Pacific Railroad? The crossings are Green Tree Road, Bradley Road, and Dean Road.

I would like to get an accurate tally if possible but would settle for the best estimate possible.

Thank you in advance for your assistance.

Chris Jaekels

**Christopher J. Jaekels**

Partner

Direct: 414.225.1409

[cjaekels@amundsendavislaw.com](mailto:cjaekels@amundsendavislaw.com)

111 East Kilbourn Avenue, Suite 1400

Milwaukee, Wisconsin 53202

<http://www.amundsendavislaw.com> | LinkedIn



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# Train Horns

## **"Village of Fox Point Train Horn FAQ"**

### **1. I thought the railroad could not use the horn / whistle in Fox Point.**

The Village of Fox Point passed an ordinance that prohibited the use of the train horn during the evening and overnight hours of 8:00pm to 6:00am; except for southbound trains at East Dean Road. This long standing ordinance was adopted by the Federal Railroad Administration when they developed Railroad Quiet Zones. Railroad Quiet Zones are a part of the Federal Code and now govern the railroads use of horns / whistles in a community. Quiet Zones have been adjusted several times in the Federal Code, with the most recent rule changes that affect Fox Point occurring in 2008. Fox Point is grandfathered by the code and designated a Pre-Rule Partial Quiet Zone.

When the train does sound the horn it will be done in compliance with the Federal Code. The Federal rule enacted in 2005 requires that railroad employees must blow the horn 15-20 seconds prior to occupying a public highway-rail crossing. The same Federal rule specifies the volume, length, and pattern of the sound of train horns.

### **2. Can we get the hours adjusted or silence the horns 24 hours?**

Select Language ↕

Google Translate

Yes. The village is currently grandfathered as a Pre-Rule Partial Quiet Zone. In order to make adjustments to the hours or silence the horns 24 hours a day the village would need to update the Supplemental Safety Measures at each grade crossing in the quiet zone. The updates needed depend on a safety analysis which would be completed in cooperation with Union Pacific. The four types of Supplemental Safety Measures include:

- Four-Quadrant Gate Systems
- Medians or Channelization Devices
- One-Way Streets with Gates
- Permanent Closure

**3. Fox Point has not had any accidents at the railroad crossing, why don't we get a 24 hour quiet zone?**

The changes to the existing quiet zone would require an application for a new quiet zone and a review by the Federal Railroad Administration. Many items are considered in an application for a new quiet zone including the safety / risk to the public at a grade crossing (compared to national standards) along with safety measures in place at the grade crossing. Public authorities are responsible for the cost of preliminary engineering, construction, maintenance and replacement of active warning devices or their components, including wayside horn systems installed at crossings to meet quiet zone standards.

Examples of costs as estimated by Union Pacific:

- Four-Quadrant Gate Systems – \$300,000 to \$500,000
- Basic Active Warning System\* – \$185,000 to \$400,000  
(\*Includes Flashing Lights and Gates, Constant Warning Time, Power Out Indicator and Cabin.)
- Basic Inter-Connect – \$5,000 to \$15,000
- Annual Maintenance – \$4,000 to \$10,000

**4. The train is sounding the horn in the quiet zone. Will the police department issue tickets to the railroad?**

Historically the police department would follow-up on any concerns brought forward regarding the railroads violation of the quiet zone. A change to the federal rules took the authority from the municipality and transferred the responsibility to the Federal Railroad Administration. The contact information to file a complaint with the railroad is:

Tina Blumenberg  
Railroad Safety Specialist  
(Grade Crossing Safety/Trespass Prevention)

Federal Railroad Administration – District 4  
200 West Adams Street  
Chicago, Illinois 60606

Email [Tina Blumenberg](mailto:Tina.Blumenberg@fra.dot.gov)  
(312) 502-1605 Work

**5. I usually take a shortcut along the railroad tracks. Can I walk on the tracks or be under the bridge adjacent to the railroad tracks?**

No. The railroad owns all of the property adjacent to the tracks and prohibits anyone from being on the property. This is primarily for the safety of the public. Trains take a long distance to stop and can not avoid people who might be on or adjacent to the tracks. The Union Pacific Railroad has requested Fox Point Police take enforcement action against people who might be on the tracks.

**6. I want to know more about these rules and how Fox Point can silence the railroad horns.**

- The current Fox Point ordinance that establishes the hours of our quiet zone are outlined in village code 670-3.
- The Federal Railroad Administration has a website dedicated to quiet zones.
- Union Pacific Railroad explains quiet zones on this website.
- The Federal Code governing railroad quiet zones can be found at 49 CR 222. A shortcut to the Federal Register is available from the FRA website.





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# HOW LOUD IS A TRAIN HORN IN DECIBELS (DB)? WITH NOISE COMPARISON CHART



PETE ORTIZ



LAST UPDATED: FEB 27 2024



Federal law requires train horns to be loud so that people at all public crossings can hear the train approaching. The Department of Transportation vehicle safety guidelines suggests that every train needs to have a horn that emits sounds passengers can hear from 200 feet away. That's why **most train horns produce a sound that ranges from 96 decibels to 110 decibels.**

Sounds that loud can significantly impact our hearing, so it's essential to be aware of loud noises in your surroundings and know what kind of impact they have on your hearing.



## Which Sounds Are Safe for Our Ears?

Hearing a loud noise close by can result in immediate hearing loss



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hearing a loud noise close by can result in immediate hearing loss. Typically, 70 decibels and lower sounds are entirely safe for our ears. Any sound over 75 decibels can irritate you, while sounds over 90 decibels can damage your hearing.

Of course, just because a sound may seem loud, its intensity is what decides the impact on your hearing. You're more prone to hearing loss when the intensity of the sound is higher, but not when the sound gets louder.

Your distance from the sound will also depend on how it will affect your hearing. If the sound is far away from you, likely, you won't even notice it, while you could suffer severe damage if you hear it close by.

Another thing to remember is that even sounds that are not too loud in decibels can harm your hearing if you listen to them for extended periods. Noises at around 85 decibels can cause hearing damage in a couple of hours, sounds at 100 decibels can cause severe damage in 15 minutes, while sounds at 110 decibels will cause hearing loss in 2 minutes.



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Image Credit: jozuadouglas, Pixabay

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## Train Horn Noise Compared to Other Sounds

A train horn needs to be very loud to raise the attention of all people that get near the train. Compared to other everyday sounds, a train horn is relatively loud but not as loud as rifles and other guns, (<https://housegrail.com/how-loud-is-gunshot-decibels/>) which can cause permanent damage and pain after less than one second. If you were to expose yourself to the sound of a train horn for a continuous 2 minutes, you would experience permanent hearing damage.

| Common sounds            | Loudness(dB) | Amount of damage after continuous exposure                            |
|--------------------------|--------------|-----------------------------------------------------------------------|
| Quiet breathing          | 10 dB        |                                                                       |
| Whispering               | 20 dB        |                                                                       |
| Light rain               | 30 dB        |                                                                       |
| Quiet office             | 40 dB        |                                                                       |
| Refrigerator             | 50 dB        | All sounds that are 60 dB or lower do not cause any hearing damage.   |
| A regular conversation   | 60 dB        |                                                                       |
| A vacuum cleaner         | 70 dB        | These noises might be annoying but will not cause any hearing damage. |
| Traffic                  | 80–85 dB     |                                                                       |
| Sander                   | 90 dB        | Hearing damage may occur after 2 hours.                               |
| Motorcycle               | 95 dB        | Hearing damage is possible after an hour of exposure.                 |
| Electric drill           | 100 dB       | Hearing damage or loss is possible after 15 minutes of exposure.      |
| A train horn             | 110 dB       | Hearing loss may occur in less than 2 minutes of continuous exposure. |
| Concert, ambulance siren | 120–125 dB   | Hearing damage and loss may occur in less                             |

|                                     |            |                                                                                             |
|-------------------------------------|------------|---------------------------------------------------------------------------------------------|
|                                     |            | than 10 seconds of being exposed.                                                           |
| Squeaky toy held to ear, Jackhammer | 130–135 dB | Hearing damage may occur after more than a second.                                          |
| Airplane taking off                 | 140 dB     |                                                                                             |
| Firecrackers                        | 150 dB     | Exposure to these sounds for only a second can result in hearing loss and permanent damage. |
| Rifle                               | 163 dB     |                                                                                             |
| Handgun, shotgun                    | 166–170 dB |                                                                                             |
| Rocket Launch                       | 189 dB     |                                                                                             |



Image Credit: Pqsels

## Signs That It's Way Too Loud at Your Location

When you're at a party, nightclub, or a concert, things can become loud due to the music and atmosphere, so you'll probably need to raise your voice to talk to your friends. You should be able to hear people 3 feet away from you clearly. This is also the case for working near trains or near railroads. If you are exposed to the sounds of trains daily and constantly, you may already have some hearing damage.

Whenever you notice that you can't use your regular voice to communicate, the area is way too loud.

We expose ourselves to loud sounds daily, such as listening to music on headphones, and although we don't notice any changes, our hearing can suffer later. The more frequent exposure to loud noises means quicker hearing loss.

*Image Credit: Piquesels*

## Side Effects of Frequently Being Exposed to Train Horns

Over time, many sounds can cause issues with your hearing, and they may begin as a minor irritation but could end up in hearing loss. Below you can see a list of the most common side effects of frequent exposure to train horns since their sound is one of the loudest in everyday life.

### Side effects of exposure to loud sounds

- ★ Buzzing/ringing sound in your ears
- ★ Headaches
- ★ Stress
- ★ Anxiety
- ★ Depression
- ★ High blood pressure
- ★ Isolation
- ★ Sleep disturbances
- ★ Hearing loss

Since these issues can happen when you least expect them, it's best to be



prepared and know how to protect your hearing when you encounter loud train horns.

*Image Credit: Pixabay*



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## How to Protect Your Hearing From Loud Noises?

Many jobs require wearing ear protection for handling loud equipment (<https://housegrail.com/chainsaw-safety-gear-overview/>), especially for construction workers and people exposed to train horns frequently. It is essential to wear ear protection when dealing with sounds higher than 90 dB. There are a couple of simple ways to protect your hearing when you find yourself in this situation.

### How to protect your hearing

- ★ **Reduce exposure to loud noises:** You should reduce your exposure to loud noises by turning down your stereo or TV or moving away from loud noises. If you are exposed to train horns daily, using hearing protection can help save your hearing in the

long run.

- ★ **Avoid too much noise:** You can still go to loud parties or concerts, but avoid going to too many loud spots in one week. It's best to be moderate and give your ears a rest now and then.
- ★ **Get hearing protection gear:** Earplugs, earmuffs, and noise-canceling headphones can sometimes be your best friend. You should use them if your workspace is too loud.
- ★ **Let your ears rest:** Even when you expose yourself to loud noises, try to rest your ears for about 12+ hours daily.

*Image Credit: Virrage Images, Shutterstock*

## Conclusion

After reading this article, we hope you understand the loudness of train horns a little better. Train horns are very loud and can cause hearing damage and hearing loss if you are exposed to them for extended periods. When dealing with train horns and other air horns, it is crucial to wear proper ear protection (<https://housegrail.com/best-hearing-protection-for-lawn-mowing/>) to save your hearing from damage. Comparing different sounds may give you a clear view of just how loud a train horn can be.

### See also:

[How Loud Is a Jackhammer In Decibels \(dB\)?](#)

[\(https://housegrail.com/how-loud-is-jackhammer-in-decibels/\)](https://housegrail.com/how-loud-is-jackhammer-in-decibels/)

[What's the Noise Level of a Construction Site? \(Decibel Guide\)](#)

(<https://housegrail.com/whats-the-noise-level-of-a-construction-site/>)

#### + Sources

Featured Image Credit: Ray Miller, Pixabay

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Pete has been working in the trades since high school, where he first developed a passion for woodworking. Over the years, he has developed a keen interest in a wide variety of DIY projects around the home. Fascinated by all sort of tools, Pete loves reading and writing about all the latest gadgets and accessories that hit the market. His other interests include astronomy, hiking, and fishing. As the founder of House Grail, Pete's primary goal is to help consumers make educated decisions about DIY projects at home, in the garage, and in the garden.

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