

**VILLAGE OF FOX POINT
VILLAGE BOARD MEETING MINUTES
MAY 14, 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, May 14, 2024 in Schwemer Hall, 7200 N. Santa Monica Boulevard. Village President Symchych called the meeting to order at 8:13 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 Greg Ollman
Trustee Liz Aelion
Trustee Jennie Stoltz (Via Zoom)
Trustee Mark Freedman
Trustee David Miller

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, as per 2015 Wisconsin Act 79 and as described in Village Ordinance Chapter 116-2, 116-2(C).

CEREMONIAL OATH

Trustees Mark Freedman and David Miller were sworn in by the Clerk Treasurer.

PERSONS DESIRING TO BE HEARD

Hearing no other comments, President Symchych closed public comment.

COMMITTEE REPORTS – Plan Commission

Trustee Fonstad reported the Plan Commission met May 6 and considered two applications for a conditional use and recommended approval for Flips for All, adding other related services to the use restriction. Approval was recommended of the application for Saddle and Spoke Cyclery conditioned on resolving issues to the building inspector's satisfaction identified in the building inspectors April 29, 2024 report.

Conditional Use Permit for 8643 N Port Washington Road – Flips 4 All, LLC dba Flips 4 All, LLC.

Motion President Symchych, seconded by Trustee Fonstad, and carried by roll call vote (7-0), to open the public hearing at 8:18 p.m., regarding Conditional Use Permit for 8643 N Port Washington Road – Flips 4 All, LLC dba Flips 4 All, LLC.

Public Comment

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Sarah Banck, owner and applicant of Flips 4 All reviewed the business model.

There were no public comments.

Motion by President Symchych, seconded by Trustee Ollman, and carried by roll call vote (7-0), to close the public hearing at 8:19 p.m., regarding Conditional Use Permit for 8643 N Port Washington Road – Flips 4 All, LLC dba Flips 4 All, LLC

Conditional Use Permit for 7922 N Port Washington Road, Suite #1 - Saddle and Spoke Cyclery, LLC, dba Saddle and Spoke Cycle.

Motion by President Symchych, seconded by Trustee Fonstad, and carried by roll call vote (7-0), to open the public hearing at 8:20 p.m., regarding Conditional Use Permit for 7922 N Port Washington Road, Suite #1 - Saddle and Spoke Cyclery, LLC, dba Saddle and Spoke Cycle.

Public Comment

Stephen Henke, owner and applicant of Saddle and Spoke Cycle reviewed the business model and requested cycle to be changed to cycles.

There was unanimous consent by the Village Board to change cycle to cycles.

There were no public comments.

Motion by Trustee Fonstad, seconded by President Symchych, and carried by roll call vote (7-0), to close the public hearing at 8:23 p.m., regarding Conditional Use Permit for 7922 N Port Washington Road, Suite #1 - Saddle and Spoke Cyclery, LLC, dba Saddle and Spoke Cycle.

CONSENT AGENDA

- a. Approve the minutes of the April 9, 2024 Village Board meeting.
- b. Confirm and approve President Symchych's list of appointments to various Boards, Committee, and Commissions.
- c. Approve the Green Infrastructure Partnership Program funding agreement in the amount of \$505,789.82 between the Milwaukee Metropolitan Sewerage District and the Village of Fox Point and authorize the Director of Public Works to sign the funding agreement per the Director of Public Works' memorandum dated May 8, 2024.
- d. Accept the proposal of Ruekert Mielke in the amount of \$35,000 to perform a FEMA floodplain Letter of Map Revision for Indian Creek and authorize the Village President and Village Clerk/Treasurer to sign the contract per the Director of Public Works' memorandum dated May 8, 2024.
- e. Approve the Agreement for Reimbursement of Construction Costs and Other Related Costs between the Village of Fox Point and We Energies and authorize the Village President and

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Village Clerk/Treasurer to sign the agreement per the Director of Public Works' memorandum dated May 8, 2024.

- f. Approve Change Order No. 1 with UPI, LLC in the amount of \$238,095 for the placement of additional storm sewer on Mohawk Road north of Bradley and authorize the Village President and Village Clerk/Treasurer to sign the contract per the Director of Public Works' memorandum dated May 8, 2024.
- g. Approve Amendment No. 1 from Baxter & Woodman in the amount of \$42,100 for additional design and construction services associated with the placement of additional storm sewer on Mohawk Road north of Bradley and authorize the Village President and Village Clerk/Treasurer to sign the contract per the Director of Public Works' memorandum dated May 8, 2024.
- h. Approve the Local Roads Improvement Program (LRIP) State Municipal Agreement between the Wisconsin Department of Transportation and the Village of Fox Point and authorize the Village President and Village Clerk/Treasurer to sign the agreement per the Director of Public Works' memorandum dated May 8, 2024.
- i. Approve an electric and telecommunications easement with We Energies for the placement of utilities within the Bradley Road and Lake Drive green space and authorize the Village President and Village Clerk/Treasurer to sign the easement on behalf of the Village pursuant to the Director of Public Works memorandum.
- j. Approve payment of the bills in the amount of \$473,054.50 for the period April 1, 2024 through April 30, 2024 per the report submitted by the Village Manager.

President Symchych requested the removal of consent agenda item b.

Motion by Trustee Fonstad, seconded by Trustee Aelion, and carried by roll call vote (7-0), to approve the consent agenda, absent consent agenda item b.

Unfinished Business

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.

President Symchych recused herself and turned over deliberations to Trustee Fonstad. Trustee Fonstad took over Chair Pro Tem.

Chair Fonstad explained the Village Board met in closed session, absent President Symchych and reviewed a draft conditional use order and instructed the Village Attorney to update the draft conditional use order.

Attorney Larson noted for the record that the two new Village Board members were not on the board when the proceedings began, because of that, the two new members were asked if they can be fair and impartial to participate in the matter. They believe they can and have conducted the background work to get up to speed. They both have signed affidavits stating "due to the quasi-judicial nature of the decision and to be a fair and an impartial decision maker I warrant that I have reviewed all relevant tapes submittal and all other documents

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pertaining to the public hearings for the Town Club Conditional Use Permit and I warrant I can fairly participate in this matter, willing and able to participate in the decision of the matter and warrant that I will be fair and impartial decision maker regarding the Town Club.”
The affidavits are part of the record and two new members are willing to participate.

Motion by Trustee Fonstad, seconded by Trustee Aelion, and carried by roll call vote (7-0), to grant a conditional use permit to the Town Club and approve pickleball as a recreational use on property located at 7950 N Santa Monica Blvd, upon all terms and conditions of the conditional use order drafted by the Village Board with the assistance of the Village Attorney and Village Staff, subject to the Petitioner’s acceptance and agreement to abide by the terms and conditions of the conditional use permit.

President Symchych resumed chairing of the meeting

NEW BUSINESS

Consent Agenda Item B

President Symchych added Kathy Reily as a 2nd Alternate for Board of Review

Motion by President Symchych, seconded by Trustee Fonstad, and carried by roll call vote (7-0), to confirm and approve President Symchych’s list of appointments to various Boards, Committee, and Commissions.

Resolution 2024 - 04 of Commendation and Appreciation – Former Village Trustee Liz Sumner

Motion by Fonstad, seconded by Trustee Ollman, and carried by roll call vote (7-0), to approve Resolution 2024 - 04 of Commendation and Appreciation – Former Village Trustee Liz Sumner.

Resolution 2024 – 05 of Commendation and Appreciation – Former Village Trustee Catie Anderson

Motion by President Symchych, seconded by Trustee Miller, and carried by roll call vote (7-0), to approve Resolution 2024 – 05 of Commendation and Appreciation – Former Village Trustee Catie Anderson.

Preliminary Borrowing Resolution 2024 – 06

Motion by President Symchych, seconded by Trustee Ollman, and carried by roll call vote (7-0), to approve Preliminary Borrowing Resolution 2024-06, the initial resolution authorizing the borrowing of not to exceed \$5,975,000.00 and providing the issuance and sale of general obligation promissory notes series 2024A.

Resolution 2024 - 07 to Approve a Storm Water Utility Rate Increase

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Motion by President Symchych, seconded by Trustee Freedman, and carried by roll call vote (7-0), to approve Resolution 2024-07 to Approve a Storm Water Utility Rate Increase.

Resolution 2024 - 08 to Approve a Sewer Utility Rate Increase

Motion by President Symchych, seconded by Trustee Miller, and carried by roll call vote (7-0), to Resolution 2024-08 to Approve a Sewer Utility Rate Increase.

Conditional Use Permit for 8643 N Port Washington Road – Flips 4 All, LLC dba Flips 4 All, LLC.

Motion by Trustee Fonstad, seconded by Trustee Miller, and carried by roll call vote (7-0), to Conditional Use Permit for 8643 N Port Washington Road – Flips 4 All, LLC dba Flips 4 All, LLC.

Conditional Use Permit for 7922 N Port Washington Road, Suite #1, Saddle and Spoke Cyclery, LLC dba Saddle and Spoke Cycle

Motion by Trustee Fonstad, seconded by Trustee Freedman, and carried by roll call vote (7-0), to approve the Conditional Use Permit for 7922 N Port Washington Road, Suite #1, Saddle and Spoke Cyclery, LLC dba Saddle and Spoke Cycles and condition our approval on the building issues identified by the Building Inspector in his April 29, 2024 report be resolved to the satisfaction of the Building Inspector.

FUTURE AGENDA ITEMS – None

ANNOUNCEMENTS

President Symchych announced thanking Village Manager Botcher for attending the ICC meeting Monday. June 15 Open House and Friday is the first beer garden.

Trustee Fonstad announced there was a meeting of Tree Commission held April 18; continued discussion of using stormwater utility to provide incentives to property owners to preserve and enhance the tree canopy. The Tree Commission received a report from Wachtel Tree Service with recommendations on how to use Stormwater management to support trees. The village is preparing a fact sheet explaining how trees benefit stormwater management. The Village Forester reported the village is planting 104, two-inch diameter trees this spring. Arbor Day was April 25, 2024.

Trustee Ollman no announcements.

Trustee Aelion no announcements.

Trustee Stoltz announced she attended the North Shore Dementia Consortium meeting on Friday, May 3rd at Azura. We're currently working on providing training to the North Shore fire and police departments. We received word that the North Shore Fire Department is on board to participate in training, including Virtual Dementia tours. And we've been working with the individual police departments to find out their preferred training model – so far, most seem to

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want in-person training and to “train the trainer.” We’re going to see if we can get onto a North Shore police chiefs meeting agenda so we can provide information to all the Chiefs at once and both answer questions and get suggestions/preferences from them at the same time. We discussed Dementia Friendly Communities, and I’ve begun researching this more to see if it is something that would be viable for Fox Point. One of the things that is part of a Dementia Friendly Community is Memory Cafes. Memory Cafes are social gatherings specifically designed for people with early stages of dementia and their caregivers. They are activities-based and can include music, dancing, crafts, painting, anything that can foster relationship building and reminiscing. I’m going to be contacting three of the North Shore libraries to see if they will begin hosting a few Memory Cafés similar to what has already been set up in the Bridges (Waukesha & Jefferson County) Library System. Hopefully over time more libraries will join.

Trustee Freedman announced express his gratitude and attending the Library Board meeting this week.

Trustee Miller no announcements.

Manager Botcher announced Board of Review completed at 5:00 p.m. today and is adjourned until 2025.

ADJOURNMENT

Motion made by President Symchych, second by Trustee Fonstad, and carried by roll call vote (7-0) to adjourn the Village Board meeting at 9:02 p.m.

Respectfully submitted,

Sara A. Bruckman
Village Clerk/Treasurer

Posted and Published
Wednesday, September 11, 2024
10:15 a.m. SB