VILLAGE OF FOX POINT
VILLAGE BOARD MEETING
FEBRUARY 14, 2012

A meeting of the Fox Point Village Board was held on February 14, 2012 in Schwemer Hall, 7200 N. Santa Monica Blvd., beginning at 7:00 p.m. Members of the Village Board present included:

Village President Michael A. West
Trustee Bill Warner
Trustee Beverly Bell
Trustee F.R. Dengel III
Trustee Douglas H. Frazer
Trustee Christine Symchych

Absent: Trustee Eric Fonstad

Also present were Village Manager Susan E. Robertson, Village Treasurer/Deputy Village Clerk John S. George and Village Attorney Paul Alexy.

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 boards.

President West announced that due to two typographical errors, item 6. o. of the Consent Agenda would be revised to the resolution presented at the meeting rather than the one included in the trustee's packets.

Persons desiring to be heard

Ms. Daria Siegel, 8104 N. Santa Monica Blvd., addressed the Board concerning her driveway which is attached to her neighbor's driveway. Due to the flow all of the drainage from her neighbor puddles in front of her driveway. Ms. Siegel intends to have her driveway redone whereas her neighbors have no plans to work on theirs. When Ms. Siegel moved to Fox Point she called the Village to schedule repair work on the drainage problem. When she later checked with the Village, she found that that type of work was no longer performed.

Ms. Siegel said this is a dangerous situation. Her son fell on the ice going to his school bus recently. She asked the Board what her options were now.

The Board directed Village Staff to look into the situation.

Public Hearing: Ordinance to Repeal and Recreate Sections 14.02(19) and 14.07(2)(c)(8)(f), and to Create Section 14.07(4)9d), Regarding Zoning Code Treatment of Chicken Enclosures and Chicken Coops and Regarding Clarification of Existing Zoning Code Exceptions in the Village of Fox Point.

On motion of Trustee Warner, seconded by Trustee Symchych, and carried unanimously, the Board opened the Public Hearing at 7:09 p.m.

On motion of Trustee Bell, seconded by Trustee Warner, and carried unanimously, the Board closed the Public Hearing at 7:12 p.m.

President West asked for unanimous consent to suspend the rules to take up agenda item 7 a. in conjunction with agenda item 3. Without objection the rules were suspended.

On motion of President West, seconded by Trustee Warner, and carried unanimously, the Board amended the draft ordinance Related To Keeping Of Chickens In The Village Of Fox Point Section 3, 25.18 Keeping Of Chickens, (e) (vii) (e) to insert the number "8" in the blank space reading, "The enclosure shall be no more than ______ feet, et al."

President West made a motion, seconded by Trustee Warner, to amend the draft ordinance Related To Keeping Of Chickens In The Village Of Fox Point Section 3, 25.18 Keeping Of Chickens, (f) (viii) (i) to insert the number "2" in the blank space reading, "The permit issued pursuant to this Section shall have duration of _______years, et. al." With Trustees Warner and Dengel and President West voting aye and Trustees Bell, Frazer and Symchych voting nay, the motion failed.

President West made a motion, seconded by Trustee Dengel, to amend the draft ordinance to insert the word "one" in the blank for years and add at the end of the paragraph the words "or if this ordinance sunsets."

President West asked for unanimous consent to amend the motion to amend the draft ordinance to change the word "years" to "year" and add the words "or if this ordinance sunsets." Without objection, the motion was amended.

With all Trustees and President West voting aye, the ordinance was amended.

President West made a motion, seconded by Trustee Warner, that the Board adopt the changes in the zoning code as presented in Village Attorney Larson's January 19, 2012 memo and referred to the Board by the Plan Commission.

Mr. Bob Cory, 7740 N. Santa Monica Blvd., stated that because of one family's desire, the Board has wasted a lot of time and money over this matter. In Mr. Cory's opinion, this is a frivolously matter that if passed will open the Board up to requests for all types and numbers of animals to reside in the Village.

President West asked for unanimous consent to amend the motion to consider both ordinances at the same time so that they rise or fall together. Trustee Dengel objected to the amendment to the motion.

President West made a motion, seconded by Trustee Warner, and carried unanimously, the Board agreed to amend the motion to include the mutual adoption, mutual rejection or mutual modification of the ordinance concerning chickens and the ordinance concerning modifications to the zoning ordinance.

With Trustee Warner and President West voting aye, and Trustees Bell, Dengel, Frazer and Symchych voting nay, the amended motion failed.

Municipal Judge Scott Wales

Municipal Judge Scott Wales provided a Municipal Court update and answered questions from Board members.

Conditional Use Permit: C.A. Burghardt & Sons, Inc., d/b/a Burghardt Sporting Goods, 8625 N. Port Washington Road, RiverPoint Village. (Request for Amended Hours of Operation)

President West said since this item was listed on the Consent Agenda it would be taken up at that time.

Consent Agenda

a. Approve the Minutes of the January 10, 2012 Village Board meeting as drafted February 3, 2012

c. Accept the bid from Ewald Automotive Group in the amount of $25,292 for the purchase of a Ford Interceptor Sedan per the Police Chief's memorandum dated January 23, 2012

d. Accept the quotation from Baycom in the amount of $16,876 for the purchase of 4 Panasonic Toughbook Laptop Computers per the Police Chief's memorandum dated January 26, 2012

e. Accept the proposal from AECOM in the amount of $21,140 for additional design tasks for the Willow Road Storm Sewer Project and authorize the Village President and Village Clerk to sign the proposal per the Director of Public Works' memorandum dated February 8, 2012

f. Accept Change Order No. 2 from WSO Grading & Excavating LLC in the amount of $970.20 for additional materials and work performed for the Storm Sewer and Bluff Drainage Improvement Project and authorize the Village President and Village Clerk to sign the change order per the Director of Public Works' memorandum dated February 3, 2012

g. Accept Change Order No. 1 from Kapur & Associates in the amount of $2,205 for additional activities associated with the Green Tree Road Reconstruction Project and authorize the Village President and Village Clerk to sign the change order per the Director of Public Works' memorandum dated February 3, 2012

h. Accept the proposal from Kapur & Associates in the amount of $15,092 for the 2012 Sanitary Sewer Rehabilitation Project and authorize the Village President and Village Clerk to sign the proposal per the Director of Public Works' memorandum dated February 3, 2012

i. Encumber funds to be used in fiscal year 2012 per the Village Manager's memorandum dated February 8, 2012

j. Refer the proposed Ordinance to Create Section 14.07(4)(d) of the Village of Fox Point Village Code, Regulating Use of Portable Outhouses to the Plan Commission and schedule a public hearing in this regard for the March 13, 2012 regular Village Board meeting immediately following "Persons desiring to be heard"

k. Adopt the proposed Ordinance to Create Section 27.33 of the Village of Fox Point Code Entitled "Synthetic Cannabinoid Prohibited" as attached to the Village Attorney's letter dated November 16, 2011

l. Adopt the proposed Ordinance to Repeal and Recreate Section 18.6 of the Village of Fox Point Village Code Regarding Fill Permits and Tree Replacement Requirements per the Village Attorney's letter dated February 9, 2012

m. Adopt the proposed Resolution Designating an International Migratory Bird Day as drafted January 31, 2012

n. Adopt the proposed Resolution to Adopt the Milwaukee County Pre-Disaster Mitigation Plan as attached to the Village Attorney's letter dated February 1, 2012

o. Adopt the Resolution Declaring Official Intent to Reimburse Expenditures from Proceeds of Borrowing as drafted February 7, 2012

p. Approve Payment of the Bills in the amount of $897,889.14 for the period January 1, 2012 through January 31, 2012 per the report prepared by the Village Manager

Trustee Symchych asked to remove item 6. b.

On motion of Trustee Warner, seconded by Trustee Bell, and carried unanimously, the Consent Agenda was approved as amended.

Grant a Conditional Use Permit to C.A. Burghardt & Sons, Inc., d/b/a Burghardt Sporting Goods, 8625 N. Port Washington Road, RiverPoint Village and authorize the Village President and Village Clerk to sign the Conditional Use Order

Ms. Lynn Burghardt Kaul was present to provide information and answer questions.

On motion of Trustee Frazer, seconded by Trustee Bell, and carried unanimously, the Board approved the granting of a Conditional Use Permit to C.A. Burghardt & Sons, Inc. and granted them extended hours as they requested and authorized the Village President and Village Clerk to sign the Conditional Use Order.

Discussion and Possible Action Regarding the Bridge Lane Ravine Footbridge

Mr. Larry Booth, 220 E. Clovernook Lane addressed the Board on this matter. Mr. Booth said he has followed this issue for about two years. He feels that this matter is an expensive waste of time that could potentially cost Village taxpayers hundreds of thousands of dollars. It is his belief that the bridge was built over a half century ago to meet a need that no longer exists. The bridge serves no purpose and is located in an exclusive neighborhood and has not been seen by most Village residents. Mr. Booth believes this issue has increasingly been driven by sentimentality and as a challenge to solve an engineering problem rather than fiscal prudence and concern for the taxpayer.

Mr. Booth said this whole discussion has been dominated by about half a dozen people who have an interest in the bridge and now it is time to listen to the other 6,600 people who reside in Fox Point and who ultimately will have to pay for this project. With the upcoming election in August, the Village has an excellent opportunity to see what the other residents feel about this project by putting the matter on the ballot as a referendum.

Mr. Booth said he has put together a draft of a possible referendum for consideration by the Board concerning this matter, a copy of which he presented to the Deputy Village Clerk.

Ms. Anne Sachse, 7801 N. Santa Monica Blvd., suggested that in one of the Village's quarterly newsletters, a paragraph be written asking residents to express whether the bridge should be fixed or not. Ms. Sachse said there are a number of other useful ways to spend Village funds.

Mr. Bob Cory, 7740 N. Santa Monica Blvd. said that if the Fox Point Foundation as an example was willing to contribute $300,000 to the bridge project, that would still in his thinking require the Village to come up with $700,000. He felt that the matter of removal of the bridge has sort of disappeared from consideration and instead repair or replace are the two options being considered.

He recommended that the Village consider preparing a survey to query Village residents as to what they feel should be done with the bridge. He further suggested that if a survey was not used, perhaps a referendum should be considered.

Mr. Booth asked that the Board put the bridge matter to a vote so the public can see where the Board stands on this issue.

Future Agenda Items

On motion of Trustee Warner, seconded by Trustee Dengel, and carried unanimously, the Board agendaed discussion on whether to use a referendum or survey to canvas the residents of Fox Point about their feelings about the bridge.

Announcements

President West wished the Board a Happy Valentine's Day.

Closed Session

On motion of Trustee Bell, seconded by Trustee Warner, and with all members voting aye, the Board convened into Closed Session at 9:01 p.m. pursuant to State Statutes Section 19.85(1)(g), to confer with legal counsel who is rendering oral or written advice concerning strategy to be adopted with respect to litigation in which it is or is likely to become involved regarding excessive assessment claims filed by Beach Drive Trust; Craig and Lisa Zetley; John and Amy Moore; and Eric and Anne Dorn.

Reconvene and Possible Action on Closed Session Items

On motion of Trustee Warner, seconded by Trustee Bell, and carried unanimously, the Board reconvened into Open Session at 9:12 p.m.

Adjourn

On motion of Trustee Bell, seconded by Trustee Warner, and carried unanimously, the Board adjourned at 9:13 p.m.

Respectfully Submitted,

John S. George, CMTW, CMFA
Village Treasurer/Deputy Village Clerk