VILLAGE OF FOX POINT
VILLAGE BOARD MEETING
SEPTEMBER 10, 2013

A meeting of the Fox Point Village Board was held on September 10, 2013 in Schwemer Hall, 7200 N. Santa Monica Blvd., beginning at 7:02 p.m. Members of the Village Board present included:

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

Also present were Village Manager Melissa Bohse, Village Clerk Tanya O'Malley, and Village Attorney Eric Larson.

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.

Persons desiring to be heard

Mr. Larry Booth, 220 E Clovernook, indicated that the costs to replace the bridge increased with the delays and asked how the Board could plan and budget when they did not know what the costs would be. He requested that the Board get the costs and make some decisions.

DP Enterprises Midwest d/b/a The Jewelry Center, 8663B N. Port Washington Road, RiverPoint Village. (New Business)

President West reported that the matter was referred by the Plan Commission for approval.

Consent Agenda

a. Approve the Minutes of the August 13, 2013 Village Board meeting as drafted August 14, 2013

e. Adopt the Resolution Authorizing Submittal of an Urban Forestry Grant Application as drafted September 5, 2013

f. Accept the quote from Johnson's Nursery, Inc. in the amount of $3,299 and Wayside Nurseries, Inc. in the amount of $1,544 for the purchase of fall nursery stock and authorize the Village Manager to sign the purchase order per the Village Forester's memo dated September 5, 2013

g. Approve the permit to use Village Streets for the Lakefront Marathon on Sunday, October 6, 2013 per the Village Clerk's memo dated August 29, 2013

h. Approve Payment of the Bills in the amount of $495,255.86 for the period August 1, 2013 through August 31, 2013 per the report submitted by the Village Manager

President West asked to remove item 4.b. – Conditional Use for The Jewelry Center.

Trustee Fonstad asked to remove items 4.c. – Letter of Map Revision and 4.d. – Fencing at Bridge Abutments.

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

Grant a Conditional Use Permit to DP Enterprises Midwest d/b/a The Jewelry Center, 8663B N. Port Washington Road, RiverPoint Village and authorize the Village President and Village Clerk to sign the Conditional Use Order

President West asked for unanimous consent to amend the draft Conditional Use Order to strike the second and third sentences of the first paragraph. Without objection, the Conditional Use Order was amended.

On motion of Trustee Symchych, seconded by Trustee Bell, and carried unanimously, the Board approved the application and authorized signatures of the Conditional Use Order as amended.

Accept Amendment No. 3 from AECOM in the amount of $11,498 for the preparation of the Letter of Map Revision (LOMR) application and authorize the Village President and Village Clerk to sign the contract per the Director of Public Works' memo dated September 6, 2013

President West made a motion to accept Amendment No. 3 in the amount of $11,498 per the agenda item and authorize the Village President and Village Clerk to sign the contract. Trustee Frazer seconded the motion.

President West asked for unanimous consent to suspend the rules to leave the agenda item with the motion on the floor on the condition that Director of Public Works Brandmeier was able to make a report on the number of houses effected before adjournment and that if he was unable to make the report prior to adjournment, the matter would be tabled and agendaed for the October meeting at which point the motion would come back before the Board. Without objection, the rules were suspended.

Accept the quote from Munson Inc. in the amount of $4,437 for the installation of a chain link fence adjacent to the bridge abutments on Bridge Lane and Barnett Lane and authorize the Village President and Village Clerk to sign the contract per the Director of Public Works' memo dated September 6, 2013

Trustee Fonstad made a motion to accept the proposal for the vinyl-coated chain link style fence and to direct the Director of Public Works to not tie in to the existing deer fence. Trustee Warner seconded the motion.

On motion of Trustee Fonstad, seconded by Trustee Warner, with Trustees Frazer, Warner, Fonstad, and Dengel and President West voting aye, and Trustees Bell and Symchych voting nay, the Board amended the motion to direct that the fence be positioned on Bridge Lane with enough space for a person to get around it on each end.

The amended motion carried unanimously.

Ordinance to Repeal and Re-Create Section 29.09(3)(b) of the Village of Fox Point Village Code Regarding an Exception to the Regulation of Business Hours, for the Friday Immediately Following Thanksgiving Day

Attorney Brian Randall, representing Best Buy, was present to provide information and answer questions.

President West asked for unanimous consent to amend the fourth Whereas of the draft Ordinance to read ". . . day can promote the public safety, in individual cases where allowed for

particular operations by conditional use and operational plans, because it could mean in individual cases that . . ." Without objection, the draft Ordinance was amended.

Ms. Margaret Pearsall, 8044 N Santa Monica Boulevard, stated that people would line up early regardless of what time the store opened. She indicated that Thanksgiving was a family holiday and that Best Buy should open at its regular hours.

Trustee Fonstad made a motion to adopt the Ordinance Repeal and Re-Create Section 29.09(3)(b) of the Village of Fox Point Village Code Regarding an Exception to the Regulation of Business Hours, for the Friday Immediately Following Thanksgiving Day as amended. Trustee Warner seconded the motion.

President West asked for unanimous consent to amend the motion to amend the Ordinance in subsection (b) to insert "in individual cases, where allowed for particular operations by conditional use and operational plans," following "Thanksgiving Day". Without objection, the motion was amended.

The amended motion carried unanimously.

Accept Amendment No. 3 from AECOM in the amount of $11,498 for the preparation of the Letter of Map Revision (LOMR) application and authorize the Village President and Village Clerk to sign the contract per the Director of Public Works' memo dated September 6, 2013

This matter was continued from earlier in the meeting.

The motion carried unanimously.

Future Agenda Items - None

Announcements

Trustee Fonstad announced that he had been contacted by a resident regarding water being directed over the side of the bluff onto their property and indicated that he was not sure if the Ordinances addressed the issue. He announced that he would be convening a meeting of the Administration Committee to investigate the matter and determine if anything should be done to address the issue.

Trustee Frazer announced that he had also been contacted concerning the same matter as Trustee Fonstad.

Trustee Symchych announced that she would like to commend Director of Public Works Brandmeier on his oversight of the highly efficient, precision operation with the demolition and subsequent removal of the bridge.

Closed Session

On motion of Trustee Bell, seconded by Trustee Warner, and carried unanimously, the Board convened into Closed Session at 8:53 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 involved related to delinquent personal property taxes owed by Asset Development and pursuant to State Statutes 19.85(1)(c) to consider employment, promotion, compensation or performance evaluation data of any public employee over which the Village Board has jurisdiction or exercises authority, more specifically, to discuss additional compensation for Village staff members who assumed additional duties during the vacancy in the Village Manager position.

Reconvene and Possible Action on Closed Session Items.

On motion of Trustee Frazer, seconded by Trustee Warner, and carried unanimously, the Board reconvened into Open Session at 10:15 p.m.

On motion of President West, seconded by Trustee Warner, and carried unanimously, the Board authorized the payment of an additional $5,500 to Tom Czaja who assumed additional duties during the vacancy in the Village Manager position.

Adjourn

On motion of Trustee Fonstad, seconded by Trustee Frazer, and carried unanimously, the Board adjourned at 10:16 p.m.

Respectfully submitted,

Tanya O'Malley, WCMC
Village Clerk