

**VILLAGE OF FOX POINT
VILLAGE BOARD MEETING MINUTES
November 8 2022**

A meeting of the Fox Point Village Board was held by a combination of in-person and virtual attendance via telephonic and video conferencing on Tuesday, November 8, 2022 in Schwemer Hall, 7200 N. Santa Monica Boulevard. President Frazer called the meeting to order at 7:00 p.m. and asked the Village Manager to take roll call. Roll Call of the Village Board present included:

Village President Douglas H. Frazer
Trustee Eric Fonstad
Trustee Sumner (via Zoom)
Trustee Greg Ollman
Trustee Catie Anderson Knight
Trustee Liz Aelion

Not Present:

Trustee Christine Symchych

Also, present were Village Attorney Eric Larson, Village Manager Scott Botcher, Public Works Director Scott Brandmeier, 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).

PERSONS DESIRING TO BE HEARD

President Frazer opened Persons desiring to be heard. President Frazer noted the procedures for public comment.

Robert King 8500 N Indian Creek Parkway—Spoke to the condition Manor Lane retaining wall. Requested Village’s attention to “bowing” as submitted in photo.

Sandy Hurley 7334 N Longacre Road—Prefers current pool location. Believes parking and street capacity near Longacre are insufficient.

Hope Oliva 7426 N Crossway—Opposed to pool at Longacre. Believes noise at Longacre will be disturbing to neighborhood. Supports current location.

Bill Hudson 7419 N Lombardy Supports comments of previous speakers. Concerned about parking and pedestrian safety near Longacre. Recognizes things such as population decline, current competition, high costs, but finds current site superior.

Ken Friedman 8001 N Links Way Thinks voting is premature as Board needs to educate public on the options under consideration.

COMMITTEE REPORTS – PLAN COMMISSION

The Plan Commission met Monday, November 7, 2022. Trustee Fonstad gave a brief report with regarding the Plan Commission’s review of and recommendation regarding the T-Mobile application to install equipment upgrades on the existing cell tower located at 7002 N Santa Monica Blvd.

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PUBLIC HEARINGS

***NOTICE:** After the Village Board set the following two public hearings Village staff have requested to delay consideration of the matters. The Village Board has not received a Plan Commission recommendation concerning either code revision at this time. Village staff therefore believe it is likely that the Village Board will adjourn the public hearings to a later date and time certain, which may be the regular Village Board meeting of December 13, 2022, beginning at 7:00 p.m.

- a. ***(See the NOTICE, above) Ordinance to Repeal and Re-Crete Chapter 285 Article III Relating to Stormwater Management Regulations of the Municipal Code of the Village of Fox Point**

The Village Board will hear comments and input regarding the Ordinance to Repeal and Re-Crete Chapter 285 Article III Relating to Stormwater Management Regulations of the Municipal Code of the Village of Fox Point.

- b. ***(See the NOTICE, above) Ordinance to Repeal and Re-Crete Chapter 285 Article IV Relating to Construction Site Erosion Control of the Municipal Code of the Village of Fox Point**

The Village Board will hear comments and input regarding the Ordinance to Repeal and Re-Crete Chapter 285 Article IV Relating to Construction Site Erosion Control of the Municipal Code of the Village of Fox Point.

Motion by Frazer, second by Fonstad, to continue the hearings until the December 13, 2022 Village Board meeting, starting at 7:00pm. All voted in favor.

CONSENT AGENDA

President Frazer noted that on 5b, the minutes of the August 17, 2022 Special Board meeting, Trustee Ollman spotted an error on line 76 that the Village Clerk Treasurer will correct: the adjournment time was actually 7:12 p.m.

- a. Approve the minutes of the October 10, 2022 Special Village Board meeting.
- b. Approve the minutes of the October 11, 2022 Village Board meeting.
- c. Approve the minutes of the October 25, 2022 Village Board Budget Workshop.
- d. Approve Change Order No. 1 with Wachtel Tree Science for additional forestry services in an amount not to exceed \$8,000 and authorize the Village President and Village Clerk/Treasurer to sign the change order pursuant to the Director of Public Works' memorandum dated November 1, 2022.
- e. Approval of Plan Commission recommendation regarding Crown Castle's application for a minor modification to the Exiting Wireless facility at 8615 N Port Washington Road.
- f. Referral of matter concerning Chapter 745-7(3)(h) regarding height of arbors to Plan Commission for review and recommendation.

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- g. Approval of Ordinance modifying Chapter 842-3 concerning pool fencing requirements as recommended by the Building Inspector.
- h. Approve payment of the bills in the amount of \$748,550.94 for the period October 1, 2022 through October 31, 2022 per the report submitted by the Village Manager.

Request by Ollman to remove item 5d from consent agenda.

Motion by Frazer, second by Fonstad, and carried by roll call vote (6-0), to approve the consent agenda.

ITEM 5d. Trustee Ollman requested more detail on the costs incurred for the work done by the forester as it relates to the clear-cutting matter referenced in the Village Forester's change order request. The Village Manager indicated that the detail Trustee Ollman wanted wasn't available immediately at the meeting but he would be glad to provide. The Village Attorney reiterated that the change order request was for a longer list of services provided over the year, not just for the clear-cutting matter.

Motion by Fonstad, second by Frazer to approve Item 5d. All voted in favor.

NEW BUSINESS

a. Aquatic Recreation Facilities Discussion and Possible Action

Assistant Village Manager made a presentation recommending a decision-making framework the Village Board could utilize should they wish to continue with aquatic recreation in the Village. (Copy made part of the record.)

Citizens Comments:

Louise Petering 7229 N Santa Monica Blvd Cautioned against assuming demographics as she has several families with young children in her neighborhood. She wondered what a borrowing amortization length would be. She encouraged the Board to take the long view, and stated that the pool is a unique feature of the Village.

Judy Shirley 1835 N Mohawk Stated the Board cannot decide the question with little to no prior notification to residents. She questioned if the DPW needed more room.

David Petering 7229 N Santa Monica Blvd. Stated that survey show the respondents want a pool at the Santa Monia site and they want to pay for it. Staff concept is a nonstarter. He supports the Santa Monia site.

Citizens comments on this item then concluded.

Board members commented; they felt inclined to continue to provide aquatic recreation activities in the Village. They all recognized this was a very difficult and complex decision.

b. Floodplain Delineation Appeal

The Village Board discussed Amendment No. 1 to the contract with Ruckert Mielke in an amount not to exceed \$27,500 to undertake a Letter of Map Revision (LOMR) in order to appeal the 100-year floodplain delineation made by the Department of Natural Resources.

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Motion by Sumner, second by Fonstad, to authorize the Village President and Village Clerk/Treasurer to sign the change order pursuant to the Director of Public Works' memorandum dated November 1, 2022. All voted in favor.

FUTURE AGENDA ITEMS

Motion by Sumner, second by Ollman to place the clear-cutting ordinance on a future agenda for discussion.

Village President Douglas H. Frazer-yes
Trustee Eric Fonstad - no
Trustee Sumner (via Zoom)- yes
Trustee Greg Ollman- yes
Trustee Catie Anderson Knight - yes
Trustee Liz Aelion- yes

Motion passed 5-1

ANNOUNCEMENTS

- a. Village President Frazer
- b. Trustee Fonstad- Announced that the Tree Commission had met and asked the Forester to work with the Village Attorney to review the clear-cutting ordinance and recommend portions which may need improvement, especially reviewing language as it relates to high value trees versus clear cutting.
- c. Trustee Sumner
- d. Trustee Ollman
- e. Trustee Anderson Knight
- f. Trustee Aelion
- g. Village Manager Scott Botcher
 - i. Announced he had not heard back from the Wagners' concerning remediation of the hazardous structures on their property and would be attempting to contact them.
 - ii. Rob Henken from the Wisconsin Policy Forum will be present at the January 2023 meeting concerning the police force consolidation study initiated by Glendale.

Closed Session

Motion by Frazer, second by Fonstad to enter into closed session pursuant to Wisconsin Statutes Section 19.85(1)(g) 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. Specifically, to discuss Catherine Conway v Douglas Frazer, et al. Attendees will include the Village Board, Village Manager, Assistant Village Manager, and Village Attorney.

Vote: 6-0 (All voted in favor)

Motion to re-enter into open session by Frazer, second by Ollman. All voted in favor.

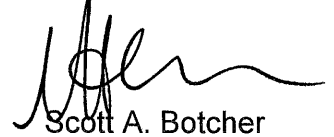
Vote: 6-0

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ADJOURN

Motion made by Frazer, second by Ollman, and carried by roll call vote (6-0), to adjourn the Village Board meeting at 8:55 p.m.

Respectfully submitted,



Scott A. Botcher
Village Manager