

**VILLAGE OF FOX POINT  
VILLAGE BOARD MEETING MINUTES  
SEPTEMBER 12, 2023**

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, September 12, 2023 in Schwemer Hall, 7200 N. Santa Monica Boulevard. Chair Pro Tem Trustee Fonstad 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:

Trustee Eric Fonstad (Chair Pro Tem)  
Trustee Liz Sumner (via Zoom)  
Trustee Greg Ollman  
Trustee Catie Anderson  
Trustee Liz Aelion  
Trustee Jennie Stoltz

Not present:

Village President Christine Symchych

Also, present were Village Attorney Eric Larson, Village Manager Scott Botcher, Public Works Director Scott Brandmeier, Police Chief Chris Freedy, Assistant Village Manager Kevin Ausman and Village Clerk Treasurer Kelly Meyer

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**

Tiffany Hutchens, 1204 E Dean Rd

Ms. Hutchens concern is in regard to pedestrian and bicycling safety at the following locations: Dean Road (living on Dean, she is concerned about her children's safety), Lake Drive crossing (crossing the road is dangerous for children), Doctor's Park crossing (overgrown trees/shrubs give no visibility).

Jesse Peters, 7522 N Crossway Road

Mr. Peters is in support of Ms. Hutchens comments.

Mr. Peters noted his concerns of safety on Lake Drive and asked that the speed be reduced before construction begins. He also has concerns regarding Santa Monica Boulevard and asked that some calming measures be put in place.

Hearing no other comments, Chair Pro Tem Trustee Fonstad closed public comment.

**COMMITTEE REPORTS-PLAN COMMISSION**

Chair Pro Tem Trustee Fonstad gave the report of the Plan Commission meeting Tuesday, September 5, 2023. The Plan Commission considered three items of substance. The first item was the conditional use permit for Matilda Bakehouse, which proposes to have an operation in the Fox Point Shops on Santa Monica Blvd in the former location of Yoga One. The Plan Commission recommended that the Board approve the conditional user permit application. The second item on the Plan Commission agenda was the land combination at 8090 and 8100 N Beach Drive. The applicant was represented by Deep River via Zoom. This land combination was a little different because the applicant was proposing to combine lots that have separate

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residences on them and you cannot have more than one residence on a single lot on a property zoned single family residential. The applicant proposed to raze the residence on the southern lot and create an addition on the northern residence. Given that information, the Plan Commission recommended approval of the land combination by the Board, on the condition that the south residence be raised to the satisfaction of the village staff prior to the Certified Survey Map being recorded. The Plan Commission further recommended that the Preliminary CSM be considered as final. The last item was the review and recommendation regarding the ordinance to repeal and re-create subsection 745-20 B. concerning the process in Building Boards participation in granting permits in the F-Institutional District. The Plan Commission based its recommendation on the four standards that are in the Village code for suitability in the area. The Plan Commission recommended approval of the proposed ordinance change by the Board.

**COMMITTEE REPORTS-MUNICIPAL POOL CITIZENS COMMITTEE**

Chair Pro Tem Trustee Fonstad noted Municipal Pool Citizens Committee Chair Marty Tirado's report is located in the village board packet; the committee agreed to begin the process of creating a non-profit entity (501c).

**PUBLIC HEARINGS**

**Conditional Use Permit for Premier WI Fox Point, LLC, d/b/a, The Nurturing Nook -8647 N Port Washington Road**

**Open Public Hearing**

*Motion by Trustee Anderson, seconded by Trustee Ollman, and carried by roll call vote (7-0), to open the public hearing at 7:14 p.m., regarding the consideration of Premier WI Fox Point, LLC, d/b/a, The Nurturing Nook, 8647 N Port Washington Road.*

**Public Comment**

There were no public comments.

**Close Public Hearing**

*Motion by Trustee Anderson, seconded by Trustee Stoltz, and carried by roll call vote (7-0), to close the public hearing at 7:15 p.m., regarding the consideration of the Premier WI Fox Point, LLC, d/b/a, The Nurturing Nook, 8647 N Port Washington Road.*

**Conditional Use Permit for Matilda, LLC, d/b/a, Matilda Bakehouse, 6870-6874 N Santa Monica Blvd**

**Open Public Hearing**

*Motion by Trustee Anderson, seconded by Trustee Ollman, and carried by roll call vote (7-0), to open the public hearing at 7:16 p.m., regarding the consideration of Matilda, LLC, d/b/a, Matilda Bakehouse, 6870-6874 N Santa Monica Blvd.*

**Public Comment**

There were no public comments.

**Close Public Hearing**

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*Motion by Trustee Anderson, seconded by Trustee Stoltz, and carried by roll call vote (7-0), to close the public hearing at 7:17 p.m., regarding the consideration of the Matilda, LLC, d/b/a, Matilda Bakehouse, 6870-6874 N Santa Monica Blvd.*

**Ordinance Repealing and Recreating Section 745-20(B) regarding the Process and Building Board Participation regarding granting of permits in the F-Institutional District of the Village of Fox Point Municipal Code**

**Open Public Hearing**

*Motion by Trustee Anderson, seconded by Trustee Ollman, and carried by roll call vote (7-0), to open the public hearing at 7:17 p.m., regarding the consideration of Ordinance Repealing and Recreating Section 745-20(B) regarding the process and building board participation regarding granting of permits in the F-Institutional District of the Village of Fox Point Municipal Code.*

**Public Comment**

There were no public comments.

**Close Public Hearing**

*Motion by Trustee Anderson, seconded by Trustee Stoltz, and carried by roll call vote (7-0), to close the public hearing at 7:18 p.m., regarding the consideration of Ordinance Repealing and Recreating Section 745-20(B) regarding the process and building board participation regarding granting of permits in the F-Institutional District of the Village of Fox Point Municipal Code.*

**CONSENT AGENDA**

- a. Approve the minutes of the August 8, 2023 Village Board and Public Hearing meeting.
- b. Grant Conditional Use Permit for 8647 N Port Washington Road, Premier WI Fox Point, LLC, d/b/a, The Nurturing Nook.
- c. Grant Conditional Use Permit for Matilda, LLC, d/b/a, Matilda Bakehouse, 6870-6874 N Santa Monica Blvd.
- d. Approve payment of the bills in the amount of \$377,518.34 for the period August 1, 2023 through August 31, 2023 per the report submitted by the Village Manager.
- e. Approve the Land Combination and Certified Survey Map submitted by applicant Starfish Five Properties LLC, whose registered agent is Joseph Hanni, for the properties located at 8090 and 8100 North Beach Drive, upon all terms and conditions recommended by the Village Plan Commission.
- f. Adopt a Resolution Authorizing the Director of Public Works to submit an Urban Forestry Grant to the Wisconsin Department of Natural Resources for the preparation of an updated tree inventory.
- g. Adopt a Resolution Authorizing the Director of Public Works to act on the Village Board's behalf for the Acquisition of Temporary Limited Easements (TLEs) and Permanent Limited Easements (PLEs) on terms recommended by the Village's consultants Single Source, Inc.,

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and Kapur & Associates, with approval by Wisconsin DOT if necessary, for Nine (9) Temporary Limited Easements (TLEs) and Four (4) Permanent Limited Easements (PLEs) and Three (3) Utility Release of Rights for Restoring Roadway Grading, Drainage, and Crosswalks along the Lake Drive corridor.

- h. Adopt a Resolution Approving the Relocation Order for Nine (9) Temporary Limited Easements (TLEs) and Four (4) Permanent Limited Easements (PLEs) and Three (3) Utility Release of Rights for Restoring Roadway Grading, Drainage, and Crosswalks along the Lake Drive corridor.
- i. Approve the contract with Single Source, Inc. for negotiation services and recording fees associated with the acquisition of the Temporary Limited Easements (TLEs) and Permanent Limited Easements (PLEs) along Lake Drive in the amount of \$20,350 and authorize the Village President and Village Clerk/Treasurer to sign the contract on behalf of the Village.
- j. Approve Change Order No. 2 from Kapur & Associates in the amount of \$1,036 for additional water main design services associated with the Lake Drive project and authorize the Village President and Village Clerk/Treasurer to sign the change order on behalf of the Village.
- k. Approve the Agreement between the Milwaukee Metropolitan Sewerage District and the Village of Fox Point for the Connection to the Village's Water Main on Beach Drive pursuant to the Director of Public Works' memorandum dated September 11, 2023.

*Motion by Trustee Ollman, seconded by Trustee Anderson, and carried by roll call vote (7-0), to approve the consent agenda, as presented.*

**ORDINANCE REPEALING AND RECREATING SECTION 745-20 (B) REGARDING THE PROCESS AND BUILDING BOARD PARTICIPATION REGARDING GRANTING OF PERMITS IN THE F-INSTITUTIONAL DISTRICT**

*Motion by Trustee Fonstad, seconded by Trustee Stoltz, to adopt ordinance repealing and recreating Section 745-20 (B) regarding the process and building board participation regarding granting of permits in the F-Institutional District.*

*Roll call vote was taken; motion passed, 5-1 (Nay-Trustee Aelion).*

**POLICE CAR PURCHASE AUTHORIZATION**

*Motion by Trustee Fonstad, seconded by Trustee Ollman, to authorize the Village Manager to submit letters of intent/purchase orders not to exceed \$55,000 per vehicle for up to two vehicles for police fleet vehicles when the order window opens for delivery in 2024.*

*Roll call vote was taken; motion carried 6-0.*

**CONSIDERATION OF DESIGN OPTIONS FOR THE BEACH DRIVE AND LAKE DRIVE INTERSECTION**

Director of Public Work Scott Brandmeier gave a brief presentation regarding the design options for the Beach Drive and Lake Drive Intersection.

Ella Kinney, 7575 N Beach Drive

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Ms. Kinney is concerned about removing the left leg of the Beach Drive intersection, this is a bad move for traffic due to traffic is constantly exiting Beach Drive and at peak traffic hours, Lake Drive is difficult to get on to. She further suggests doing a trial, as proposed.

*Motion by Trustee Fonstad, seconded by Trustee Anderson, to deny the recommendation in the Director of Public Works memorandum to eliminate the left leg, but to move forward with a design to maintain the current configuration of the Beach Drive/Lake Drive intersection.*

Chair Pro Tem Trustee Fonstad called the question.

*Roll call vote was taken; motion carried, 6-0.*

**CONSIDERATION OF THE SPEED LIMIT ALONG NORTH LAKE DRIVE**

Director of Public Works Scott Brandmeier gave a report regarding the speed limit along North Lake Drive in light of clarifications provided by the Wisconsin Department of Transportation.

Beth Gregg, 7414 N Boyd Way

Ms. Gregg's concern is the along North Lake Drive; she asked that the Village Board consider a decrease in the speed limit to 30mph due to safety reasons for pedestrians and bicyclists.

Mark Levin, 7415 N Beach Drive

Mr. Levin is concerned about pedestrian safety and asked the Village Board to consider reducing the speed to 30mph as soon as possible to get people used to the reduced speed prior to crosswalks being implemented.

Trish Dabrowski, 1140 E Bywater Lane

Ms. Dabrowski noted her concern of traffic increasing and a decrease in monitoring and enforcement of speed in the area of the intersection of Bywater Lane, Lake Drive, and Fox Lane, as she has seen three incredibly close calls of pedestrians nearly getting hit recently. She further asked that something be done as soon as possible.

The Village Board had a discussion regarding potential enforcement, potential sign awareness and education in the event of a speed reduction, and the timing of a potential speed limit reduction.

Chair Pro Tem Trustee Fonstad stated his sense of the Board based on the comments he heard is that we would want staff to actively explore what would be involved in making a change in speed sooner than later.

Village Attorney Eric Larson gave a brief explanation on the context of state law. The Village is pre-empted quite a bit on speed limits. There are only narrow things the Village can do. The Village cannot pick a speed limit the Village wants it to be. There are fixed limits established by state law. Throughout the entire Village there are fixed limits. We have an ability to reduce those fixed limits subject to completing a speed study up to 10 mph below the speed limit. That is a requirement of state law. This is found in Chapter 349 of the WI State Stats. Village Attorney Eric Larson also noted that if this goes forward, it should be done through an ordinance as well.

**REFERRAL OF AN APPLICATION BY THE TOWN CLUB TO THE PLAN COMMISSION UNDER SECTION 745-10 FOR CONSIDERATION OF THE PROPOSED CONVERSION OF TENNIS COURTS INTO PICKLEBALL COURTS**

*Motion by Trustee Stoltz, seconded by Trustee Ollman, and carried by roll call vote, 6-0 to refer the application by the Town Club to the Village of Fox Point Plan Commission*

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*under Section 745-10 for consideration of the proposed conversion of tennis courts into pickle ball courts.*

**POPLAND STUDIOS CIVIC CENTER STUDY**

Based on the request of Trustee Ollman and Trustee Aelion, Village Manager Scott Botcher gave a report on the work done to date, stating the Popland Studios Civic Center Study agreement has not been executed and no work has begun.

Trustee Ollman and Trustee Aelion gave a brief report of their concerns with the Popland Studios Civic Center Study professional experience in land use studies and the agreement with Village of Fox Point.

Village Attorney Eric Larson stated this agreement has been approved by this Board. There was a discussion somewhat similar to this at the time. The Village Board's ordinance and Robert Rules of Order state that motions for reconsideration may be made at the same or the next regular meeting by a member who voted in favor of the outcome of the motion. This is not the next meeting; this is the second next regular meeting.

David Petering, 7229 N Santa Monica Blvd.

Mr. Petering briefly explained his concerns regarding the Popland Studios Civic Center Study agreement.

No action was taken.

**FUTURE AGENDA ITEMS – None**

**ANNOUNCEMENTS**

Trustee Fonstad had no announcements.

Trustee Sumner had no announcements.

Trustee Ollman had no announcements.

Trustee Anderson had no announcements.

Trustee Aelion had no announcements.

Trustee Stoltz had no announcements.

Village Manager Scott Botcher has five announcements.

1) Village Manager Scott Botcher noted item one is consistent with the ordinance that the Village Board adopted 3 to 4 years ago to report change orders. Therefore, he is giving a report on the two change orders.

2) Village Manager Scott Botcher attended the Fire Department meeting today in place of the Village President. The Fire Department did pass their budget with a 2.75 increase. Part of the 2.75 that was requested was put in abeyance for the creation of a case manager position that will be shared with the NSHD; concern was expressed the Fire Department Board about the lack of proof of validation for the need of the position. They did approve the funding for the position, subject to the condition that the money for that position would be set aside until the Fire Department and Health Department return to the Fire Board with requestion case manager position information.

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3) Village Manager Scott Botcher announced Flu shots will be held in Shorewood on September 20<sup>th</sup> from 4:30 until 7:30 p.m. and at Brown Deer on October 9<sup>th</sup> from 3:30 until 6:30 p.m. Kevin will post this on the Village website.

4) Village Manager Scott Botcher reported Village of Fox Point assessment letters are out; the village valuation is up 33%. If you are around the 33% change, there should not be an impact on your village taxes.

5) Village Manager Scott Botcher announced while working with the WDOR to find a \$477 difference, Kelly and Mary discovered that last year as one of the 6 communities to work with the new LandNav software, when they created the tax bills in the new software more school tax levy credit was given out to residents than tax payers should have received. Therefore, the school tax credit that is on your tax bill will be netted out for 2023. School tax levy credit will go up, but they will net out whatever people got due to receiving twice as much school tax levy credit on the 2022 taxes than they should have. Whatever is remaining, will be applied to everybody's taxes in the Village of Fox Point. Mary and Kelly put together a substantial memo explaining the whole process and the impacts. This is not a budgetary impact. This does not involve the levy; it is the school tax levy credit. Village Manager Scott Botcher further explained what happened, as indicated in the memo. In the end, the taxpayers received their school tax levy credit, but received 2023's school tax levy credit one year early in 2022. Making this as public as he could as early as possible is important. President Symchych, being out of the country, was notified via an Email communication; she is aware. Following the announcement, the memorandum from the Accounting Financial Manager and Village Clerk Treasurer was distributed to the Village Board members.

**ADJOURNMENT**

*Motion made by Trustee Ollman, second by Trustee Anderson, and carried by roll call vote (7-0) to adjourn the Village Board meeting at 9:25 p.m.*

Respectfully submitted,



Kelly A. Meyer, WCMC/CMC/CMTW  
Village Clerk Treasurer