



MINUTES - SHOREWOOD BOARD OF TRUSTEES
Village Board Meeting
April 20, 2020

1. Call to Order

President Rozek called the meeting of the Village Board to order at 7:34 p.m.

2. Roll Call

President Rozek called the roll. Present over the phone: Trustees Davida Amenta, Tammy Bockhorst, Jessica Carpenter, Michael Maher, Ann McKaig, Wesley Warren.

Others Present: Village Manager Rebecca Ewald, Village Attorney Nathan Bayer, Public Works Director Leeann Butschlick, Finance Director Mark Emanuelson, Planning and Development Director Bart Griepentrog, Police Chief Peter Nimmer and Community Development Authority Chair Peter Hammond

3. Statement of Public Notice

Clerk Bruckman stated that the meeting had been posted and noticed according to law.

4. Special Order of Business

- a. Consider suspension of the CDA Façade Improvement Program and redirection of that funding to support the CDA Emergency Rent Assistance Program. (7:35 p.m.)

President Rozek recused herself and turned the chairing of this portion of the meeting over to Tr. Warren.

Chair Hammond introduced the item. Ability of landlords to evict (limiting only applies to residential real-estate not commercial). What was the federal program going to look like? Primary goal is for payroll support; 25% other expenses. Loan might not be forgiven, keep mostly to payroll. Mr. Hammond explained there is an urgent need for small business funding as other federal funding is directed for large businesses. Mr. Hammond explained they have incorporated all of the Board's recommendations on oversight and that the funds are being used appropriately.

Each Village Board member provided feedback:

Tr. McKaig is in favor of the proposal but does not care for the clause stating if the business moves out of Shorewood in six months, they would need to pay the money back.

Tr. Maher is in favor of the proposal and would like to move forward quickly. Tr. Maher suggested in item 4, "eligible businesses for retail trade" to add florist and opticians, in item 4 remove mental health counselors and psychiatrists, in item 5 add mental health counselors, psychiatrists, lawyers, real estate brokers, insurance agents, accounting services, physicians, computers services and financial services. Tr. Maher suggested with the added language stating if the business moves out of Shorewood in six months, they would need to pay the money back; should be from the date of the grant award check.

Tr. Carpenter is in favor of the proposal but does not agree with including businesses that are able to continue conducting business virtually whereas others have to completely shut down.

Tr. Amenta is in favor of the proposal but supports that mental health counselors and psychiatrists are able to continue operating and would support moving them from item four (4) to item five (5). Tr. Amenta reminded the CDA they are the housing authority for the Village

and there are a wide variety of income levels and mortgage amounts and does not want to limit our interest in helping to just the business district.

Tr. Bockhorst is in favor of the proposal and appreciated what Tr. McKaig and Tr. Maher said. Tr. Bockhorst does like the idea of a residential program, but does appreciate the focus for the business.

Tr. Warren thanked the CDA Chair and BID for putting the program together. Tr. Warren agrees with the increased oversight of the program and the defined eligibility criteria for the program. Support as presented and comments to some of the slight tweaks discussed tonight.

Tr. Maher moved and Tr. Amenta seconded to approve the adoption of Addendum Two and the MOU between the Village of Shorewood and the CDA with the following modifications to the CDA Emergency Assistance Grant Program and CDA MOU Documents; changes being in item 4 add florists and opticians, in item 4 remove mental health and psychiatrists, in item 5 add mental health counselors, psychiatrists, lawyers, real estate brokers, insurance agents, accounting services, physicians, computers services and financial services and in the ninth paragraph in program administration under the clause saying in event a business moves out of Shorewood within six months add from the date of the grant award.

Tr. Amenta inquired what the thinking is behind including computer services as ineligible. Tr. Maher explained most could handle things virtually.

Tr. Warren moved, seconded by Tr. Bockhorst to amend and add a line to the application form stating that funds are to be used for business purposes. Amendment carried 6 - 0

Tr. McKaig inquired if there would be an issue of enforcement or administrative burden if a business moves out of Shorewood within the six months of the grant award. Mr. Emanuelson did not believe so, there would be a six-month follow-up

Tr. Bockhorst inquired if the CDA was in concert with the BID? Tr. Carpenter explained this is in support and connection with the BID. Tr. Bockhorst clarified if the money belonged to the CDA. Tr. Carpenter explained yes.

President Rozek inquired who is administering the program. Mr. Hammond the BID is reaching out to the business community, gathering the applications, informing the public and is the first review in that process. The applications are passed to village staff to do a second review. All the applications that are qualify with the eligibility criteria are laid out and applications outside the eligibility criteria that the BID and Village staff feel need to be put in front of the CDA for their final determination. President Rozek questioned if there is still an oversight group. Tr. Warren explained yes, it is an elected official and the CDA Chair.

Tr. Maher commented he would like the BID and CDA to really make an effort to get out the word and if they aren't getting an application from a business they think they should, to reach out to see that the business received the materials and if they need help. Tr. Bockhorst questioned if the BID is only reaching out to BID businesses. Mr. Hammond explained this is not a BID program, this is a CDA program that is available for all eligible businesses under the criteria of the program regardless of their participation in the BID or not. Mr. Emanuelson explained the program criteria very clearly outlines the program administration, the CDA and BID Director shall be responsible for disseminating program information to all Shorewood businesses to the best of their ability using the BID's contact list and any other methods that may be appropriate to help achieve that objective. We will also do a mailing list from occupancy permit holders from the Planning & Development department.

President Rozek inquired if someone owns the building but rents the space from his company, would that be an eligible business. Mr. Emanuelson stated that is unclear and the application should be submitted for review.

Arthur Ircink, 4105 N. Morris Blvd., Shorewood, 53211; Thanked Trustees and CDA for coming together during this critical time.

David Price, Three Lions, 4515 N. Oakland Ave., Shorewood, 53211; expressed his thanks to the CDA and BID Board.

Jerolynn Bell-Scaggs, 3970 N Oakland Ave., Shorewood, 5321; expressed appreciation for making this available to businesses.

John Phillips, 4001 N Oakland Ave, Shorewood, 53211; his agreement with his landlord is that the capital improvements are going towards his rent so he's not paying rent right now. Would he qualify for the grant? Mr. Hammond explained the businesses rent payments are the determinant of how much money is available to them, but the proceeds are not only available for purposes of rent payments to the landlord. The proceeds can be used for any business purpose.

Motion as amended: approve the adoption of Addendum Two and the MOU between the Village of Shorewood and the CDA with the following modifications to the CDA Emergency Assistance Grant Program and CDA MOU Documents; in item 4 add florist, item 4 add opticians, in item 4 remove mental health counselors and psychiatrists, in item 5 add mental health counselors, psychiatrists, lawyers, real estate brokers, insurance agents, accounting services, physicians, computers services and financial services, in the ninth paragraph in program administration under the clause saying in event a business moves out of Shorewood within six months add from the date of the grant award and to add a line to the application stating funds are to be used for business purposes. Motion carried 6 – 1 by a roll call vote with President Rozek abstaining.

5. Consent Agenda Items (8:33 p.m.)

- a. Accept Presentation of Accounts – April 20, 2020
- b. Consider Special Village Board and Village Board minutes – February 17, 2020
- c. Consider Village Board minutes – March 2, 2020
- d. Consider Village Board minutes – April 6, 2020
- e. Consider Intergovernmental Cooperation Agreement for Procuring Personal Protection Equipment and Other Necessary Sanitation and Medical Supplies in Response to the COVID-19 Public Health Emergency

Tr. McKaig moved and Tr. Maher seconded to approve the consent agenda. Tr. Amenta requested to pull 5a and 5c. Motion carried 7 – 0 by a roll call vote with items 5a and 5c pulled.

6. Items Removed from the Consent Agenda (8:34 p.m.)

#5a Accept Presentation of Accounts – April 20, 2020 – Tr. Amenta inquired why the Village was still paying the contractor for crossing guards when the Village is no longer receiving the service. Chief Nimmer explained that payment was from the last month; the Village had crossing guards through March 14. That was the last payment for the year.

Tr. Amenta moved and Tr. Maher seconded to accept presentation of accounts for April 20, 2020. The motion carried 7 – 0 by a roll call vote

#5c - Consider Village Board Minutes March 2, 2020 – Tr. Amenta remarked after she reviewed the tape of the comments of Ms. Lipo Zovic that she made the amendment to the minutes that Ms. Lipo Zovic represents the School Board and the correct language should be changed to “speaking on behalf of the school board”.

Tr. Bockhorst inquired as to the justification to the requested amendment and does not support the amendment.

President Rozek asked Attorney Bayer if minutes are supposed to reflect what the person said not what was intended. Attorney Bayer explained that is generally correct, but the level of detail is relatively discretionary for each governing body. The general purpose and intent of taking the minutes is so that someone coming from the outside, who wasn't at the meeting, could have an idea of the actions that were taken by the Board and a general understanding of the discussion that led to the decision. It does not need to be a recitation of every comment that was made, by every individual that spoke. President Rozek clarified, if it is in the minutes and the wording is incorrect is it appropriate to change. Attorney Bayer responded yes, it's a discretionary decision, the level of detail is up to the governing body collectively.

Tr. Maher requested to clarify the amended language. Tr. Amenta clarified instead of saying she represents the school board; she is speaking on behalf of the school board. Tr. Amenta feels the minutes need to reflect the comment that was made since someone stated they were there on behalf of another governing body. Tr. Bockhorst expressed minutes do not need to reflect all the statements and would like to strike that line from the minutes. Tr. Warren expressed the minutes should be shorter not longer, but if the comment was made on the tape he is amendable to including the comment in the March 2 minutes. Tr. Amenta explained she pulled the minutes to accurately reflect what was stated in the video. Tr. Carpenter explained it is very helpful to have highly detailed minutes because it makes it easier to understand what happened at the meeting. We need to be consistent and move forward if the Village Board is going to have detailed minutes or not as there is some ambiguity regularly in our minutes. Tr. Maher explained he will be abstaining as he was not present for the meeting but feels the comments should be removed. President Rozek stated if she made a comment on behalf of the Village Board, she would hope it would be in the minutes.

President Rozek moved, seconded by Tr. Amenta to adopt the March 2, 2020 minutes with the amendment to the minutes that Ms. Lipo Zovic represents the School Board and the correct language should be changed to “speaking on behalf of the school board”. Motion carried 5 – 1 – 1 by a roll call vote with Tr. Bockhorst voting nay and Tr. Maher abstaining.

7. Public Hearing(s) (8:52 p.m.) - None
8. Citizens to be heard – This item is for matters not on the agenda. Discussion may follow comment on non-agenda items or discussion and action may come at future meetings. (8:52 p.m.)

Arthur Ircink, 4105 N. Morris Blvd., Shorewood, 53211; expressed gratitude to Tr. Maher and Tr. McKaig as this is their last meeting; they were valuable and will be greatly missed.

9. New Business
 - a. Consider Ordinance 3010, Repealing and Replacing Section 9, “Pawnbroker and Dealer Requirements” of Chapter 404, “Pawnbrokers and Secondhand Dealers” of the Shorewood Municipal Code. (8:54 p.m.)

Chief Nimmer explained the amended ordinance would allow the business owners to enter the

information into a system called NEWPRS. NEWPRS is an online webpage where the jeweler would enter the description of the item into the program. Our officers would have access to NEWPRS to search for an item that was reported stolen. Chief Nimmer explained that is the only part of the ordinance that is being changed. Right now, the Police Department is giving the jewelers cards, picking the cards up and a staff member is entering the information into the same system. Chief Nimmer has spoken to the three business owners this would apply too and they are willing to participate in this program.

President Rozek asked the purpose of the program. Chief Nimmer explained if the Police Department gets a report of stolen jewelry or stolen TV, instead of having to go the store to obtain the sheets, the detective could go online and search if the item has been pawned at our stores. President Rozek will be abstaining as her store is a second hand dealer and questioned if it's every second hand dealer. Chief Nimmer explained it's very specific to the three coin shops we have; it deals with jewelry and TVs.

Attorney Bayer explained it does not apply to second hand clothing shops, except if the second hand business sells furs. Under the state statute the regulation would be pawn shops and second hand dealers that deal specifically with fine jewelry or the others items specifically identified in the state statutes. President Rozek expressed the application does specifically ask if fine jewelry or furs are sold.

Tr. Amenta asked if there was a cost or subscription fee for the businesses? Chief Nimmer explained there is no cost to the Village or the business.

Tr. Maher moved and Tr. Carpenter seconded the approval of Ordinance 3010, Repealing and Replacing Section 9, "Pawnbroker and Dealer Requirements" of Chapter 404, "Pawnbrokers and Secondhand Dealers" of the Shorewood Municipal Code. Motion approved 6 - 1 by a roll call vote with President Rozek abstaining.

- b. Consider Ordinance 3011, An Ordinance Amending Subsection D, "Bond, Oath" of Section 2, "Municipal Judge," of Chapter 31," Court, Municipal," of the Shorewood Municipal Code, to eliminate the bond requirement. (9:03 p.m.)

Ms. Ewald explained our statutes are a bit antiquated and decades ago there was a requirement for a \$1,000 bond for the municipal judge. In 2017, State Statutes were amended to eliminate that antiquated requirement as most municipalities carry insurance, as we do. This would be amending our ordinance to eliminate the antiquated requirement because our insurance covers this area.

Tr. Warren moved and Tr. Maher seconded the approval of Ordinance 3011, An Ordinance Amending Subsection D, "Bond, Oath" of Section 2, "Municipal Judge," of Chapter 31," Court, Municipal," of the Shorewood Municipal Code, to eliminate the bond requirement and cover the Municipal Judge under the Village's current existing insurance policy. Motion approved 7 - 0 by a roll call vote.

- c. Consider next steps for Affidavit of Interest and Parking Lot Agreement between Village of Shorewood, 4057 Wilson Drive, and Flexigon LLC, 4121 Wilson Drive. (9:06 p.m.)

Attorney Bayer explained if the Village wants parking at the north end of the existing police station the Village would need a continued agreement to get access from the neighboring property simply because the space between the end of the police department and the property line is too narrow for a driveway or to be able to park in a north/south fashion. The two possibilities were to leave it as green space or alternatively to reach a parking agreement with the new tenant. The other goal that was discussed is getting rid of the current obligation that

the Village had left over with the previous tenant. Currently, under the existing agreement, the Village has a responsibility to maintain, pave, and plow a shared parking lot the majority of which is on the neighboring property. Attorney Bayer explained if you look at the diagram that was attached to the memorandum in the April 20 packet, there are spots reserved exclusively for use by the Village and also includes a handicap accessible spot as well as a walkway on the north side of the police station building that would not only access a doorway on the eastern end but would also give access to a door that was on the west end of the building that accesses the space that is currently not being utilized. Attorney Bayer clarified that walkway would meet accessibility requirements with respect to the ADA as well as the accessible parking spot.

Tr. Maher explained one of the concerns were to preserve access to the potential community room in the back of the building. The developer has confirmed in the final design the walkway from the front to the back will be ADA accessible. The developer confirmed the thresholds to the doorway is ADA accessible and committed to that in their design. There are two electric polls in the back of the lot, the east poll may need to be relocated in the future if the potential community room is completed and there may be some cost to that. Moving the poll would free up some space between two parking spots that would provide a little more access to the doorway if needed.

Tr. Amenta clarified if the cost of the walkway on the side of the building is being covered by the developer and not the Village. Attorney Bayer explained that will be written into the final agreement that will come back to the Village Board for final approval.

Tr. Maher moved, seconded by Tr. Warren to direct the Village attorney to develop a new parking lot agreement between the Village and F Street Group, which is intended to replace the existing parking agreement that these parties inherited from the previous owners of their respective properties, pursuant to the terms and conditions as laid out in the accompanying memorandum to this agenda item, and bring it back to the Board for final execution. Motion carried 7 – 0 by a roll call vote.

10. Reports of Village Officials (9:27 p.m.)

- a. Village President – Proclamation – Arbor Day, Friday, April 24, 2020 and welcomed the new trustees
- b. Village Trustees – The Village Board members thanked Tr. Maher and Tr. McKaig for their service and wished them well.
- c. Village Manager – Thanked Tr. Maher and McKaig for their service.

11. Items for future consideration (9:30 p.m.)

Tr. Carpenter moved, seconded by President Rozek to explore alternatives to creating safe outdoor spaces, including, but not limited to, possible closure of streets and sidewalks or other areas of the municipality. Motion carried 6 – 1 by a roll call vote, with Tr. McKaig voting nay.

Tr. Maher moved, seconded by Tr. Warren to proceed, separate from vendor permit changes, with amendments to Ch. 400 Parks of the municipal code specifically addressing the protection of parks, buildings, resources and vegetation that mirrors with Milwaukee County Parks ordinances. Motion carried 7 – 0 by a roll call vote.

12. Closed Session – The Village Board will adjourn into closed session pursuant to 19.85(1)(c) to discuss the annual performance evaluation of the village manager.

Tr. Amenta moved, seconded by Tr. McKaig to adjourn into closed session pursuant to 19.85(1)(c) to discuss the annual performance evaluation of the village manager at 9:42 p.m. Motion carried 7 – 0 by

a roll call vote.

Tr. Maher moved, seconded by Tr. McKaig to adjourn back into open session at 10:32 p.m. -Motion carried by 7 - 0 a roll call vote.

Tr. Amenta moved and Tr. McKaig moved to increase the Village Manager's salary by 3% effective January 1, 2020. Motion carried 5-0.

It was noted that Tr. Warren and President Rozek experienced technical difficulties logging back into open session by way of teleconference.

13. Adjournment.

Tr. Warren arrived on the teleconference.

Tr. Amenta moved and Tr. Maher seconded to adjourn at 10:36 p.m. Motion carried 6 - 0.

Respectfully submitted,

Sara Bruckman, CMC/WCMC
Village Clerk