



**MINUTES - SHOREWOOD BOARD OF TRUSTEES**  
**Committee of the Whole Meeting**  
**March 04, 2019**

1. Call to Order

President Rozek called the Committee of the Whole meeting of the Village Board to order at 6:47 p.m. in the Committee Room.

2. Statement of Public Notice

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

3. Roll Call

President Rozek called the roll. Present: Trustees Davida Amenta, Tammy Bockhorst, Jessica Carpenter (7:10 p.m.), Michael Maher, Ann McKaig and Wesley Warren.

Others Present: Village Manager Rebecca Ewald, Assistant Village Manager Tyler Burkart, Finance Director/Treasurer Mark Emanuelson, Police Chief Peter Nimmer

4. Discuss 4<sup>th</sup> Quarter Financial Report

Mr. Emanuelson answered questions regarding the fourth quarter financial report included in the March 4, 2019 Village Board packet. Current projections based on YTD activity and trends would suggest there will be a 2018-year end General Fund budget deficit of approximately \$284,000. However, considering the planned use of \$264,376 in general fund reserves for debt service tax levy stabilization, this outcome is actually an adjusted unfavorable outcome of less than \$20,000 or about 0.2% of expenditures.

The following were questions asked and the answers provided:

- Why is General Legal Professional Fees so high? Utilization of general engagement is 20% over and other legal is 4% over (employee relations related).
- What are the Duncan fees? Duncan fees are related to a number of things: number of citations issued, parking permits, and collection notices. Note: Mark will provide the last 5 years what has the Village paid to Duncan, for the parking study.
- What is the overage on the Police Department electric budget? Just the new building, during renovation and construction phases, there were a lot of open doors. Now that construction is over, staff will be looking over the next few months to verify what number should be utilized for a baseline amount.
- Where is the Fire Department building? Capital Budget as a holding cost for sale of the property.
- Why is street maintenance 50% under budget? Some activities couldn't be scheduled as planned.

Mr. Emanuelson explained that the extra bond funding available and included in the fourth quarter financial report on an annual basis, is showing the bond cycle rolling from year to year. Mr. Emanuelson explained there isn't a grand bond total because they are segmented by sub-classification; you can't use residual street improvements for facility improvements.

Note: parking utility budget to fund \$10,000 in the parking and transportation study.

Note: Include a column when the RFP will be issued next.

5. Discuss standing committee distribution of tasks and discuss next steps for volunteer committees (meeting #6).

Village Board members expressed for the sake of transparency the importance of videotaping the standing committee meetings.

6. Tr. Bockhorst moved, seconded by Tr. Amenta to adjourn the meeting at 7:35 p.m. Motion carried 7 - 0.



**MINUTES - SHOREWOOD BOARD OF TRUSTEES**  
**Village Board Meeting**  
**March 04, 2019**

1. Call to Order

President Rozek called the meeting of the Village Board to order at 7:43 p.m. in the Court Room.

2. Roll Call

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

Others Present: Village Attorney Nathan Bayer, Village Manager Rebecca Ewald, Director of Public Works Leeann Butschlick, Planning and Development Director Bart Griepentrog, Police Chief Peter Nimmer.

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 Resolution 2019-06 Confirming Obligation to Contribute to North Shore Fire Department's Budget to Pay Debt Service on Bonds Issued by the Village of Whitefish Bay on Behalf of the North Shore Fire Department.

Chief Whittaker explained that items (a) and (b) go together; (a) is relating to the remodel project for the station in the Village of Whitefish Bay and confirming the village's contribution. The Fire Department Board voted to accept the low bidder on the project. The project was bid over a year and the low bid came in at over \$1,000,000. This year the scope was narrowed and changed architects which put different engineers on the project. Based on timing Whitefish Bay will be bonding separately for their fire station project, Whitefish Bay is willing to do additional bonding up to \$4,000,000 for the Shorewood fire station.

Tr. Amenta moved, seconded by Tr. Bockhorst to approve Resolution 2019-06 Confirming Obligation to Contribute to North Shore Fire Department's Budget to Pay Debt Service on Bonds Issued by the Village of Whitefish Bay on Behalf of the North Shore Fire Department. Motion carried 7 – 0 with a roll call vote.

- b. Consider Resolution 2019-07 Approving the "Single or Multi-Year Capital" Budget to Remodel the Whitefish Bay Fire Station in 2019.

Chief Whittaker explained this is the authorizing resolution to actually spend the money.

Tr. Amenta moved, seconded by Tr. Maher to approve Resolution 2019-07 Approving the “Single or Multi-Year Capital” Budget to Remodel the Whitefish Bay Fire Station in 2019. Motion carried 7 – 0 with a roll call vote.

- c. Consider Resolution 2019-08 Supporting a Change in State of Wisconsin Statutes Exempting Tax Levy Authorized Under State Statute 66.0602(3)(h)2 for Joint Fire Department to be Excluded from the Calculation Determining Eligibility for Qualification for the Expenditure Restraint Program under State Statute 79.05(2)

Chief Whittaker presented the following information from his memo in the March 4, 2019 packet:

#### Background and History

- As a means to encourage municipalities to enhance service and reduce costs through cooperation and to provide relief for an organization attempting to meet the fiscal limits of many member municipalities, the Wisconsin Legislature adopted an exemption to the levy limits in 2006 that allows communities that are members of a joint (consolidated) fire department the ability to exempt the fire department’s increase in charges to the municipality from their levy limits if the increase in charges is less than or equal to CPI + 2%, and each member municipality adopts a resolution in favor of exceeding the levy limit (Wis. Stats 66.0602(3)(h)).
- While this exemption provides relief to the levy limits, the member municipalities of the North Shore Fire Department recently found that the limits of the State’s Expenditure Restraint Program provide an equal challenge that levy limits did prior to 2006.
- Wisconsin’s Expenditure Restraint Program (ERP) provides unrestricted aid to qualifying municipalities that limit growth in spending. To qualify for aid, municipalities must limit their increase in spending to 60% of net new construction plus CPI (max of 2%). So, while the levy limit exemption in place for members of a joint fire department allows a community to levy funds to support the joint fire department, the ERP penalizes them for expending those funds.

#### Local Impact

- The Village of Brown Deer, a member of the North Shore Fire Department, had a negative net new construction amount in 2017. This negative net new construction equated to a 0% net new construction increase that feeds into the expenditure restraint equation. Net new construction is related to a municipality’s ability to construct and increase the value of the property, houses and businesses in their community.
- Several municipalities served by the North Shore Fire Department, like Brown Deer, are completely built out meaning that net new construction is likely to continue to trend low for the foreseeable future. Populations in these communities over the course of the last ten years have remained stable. The 2010 population listed the seven North Shore communities as having a combined population of 64,830 residents. In 2017 this population was estimated at having only 86 more residents. With very little growth anticipated in the coming years, municipalities in the North Shore are reliant on a healthy CPI if they want to maintain their eligibility for ERP funds from the State.
- While net new construction continues to be limited, the consumer price index (CPI) has also provided recent challenges. In most recent years, CPI has come in at less than a 1% increase. This, combined with a 0% increase on the net new construction significantly limits municipalities’ ability to support the ability of joint fire departments to maintain service levels and other critical services provided by municipalities.
- In 2017, Brown Deer needed to use approximately 40% of its allotted expenditure restraint increase for the Fire Department even though the North Shore Fire Department is only about 21% of Brown Deer’s budget.

#### Potential Solutions

- The idea of the levy limit exemption was to reward fiscally conservative municipalities who

opted to share services to provide a higher level of services to their residents at a reduced cost. We are now finding that without a coinciding exemption on the expenditure restraint side, this levy limit exemption is not providing the support it was thought to when it was adopted.

- Consolidated fire departments provide a higher-level of service at a cost for which a single community could not do alone. A 2015 study by the Wisconsin Policy Forum showed that the seven-member communities of the North Shore Fire Department would have been paying about \$2.8 million more annually for an equivalent level of service had they not consolidated.
- While cooperation provides savings and improved services, when municipalities work together, there must be a constant spirit of cooperation. When the municipalities are challenged by each having different levy limits and requirements to maintain expenditure restraint funds that cooperation is challenged. While one community may have the ability to fund maintenance of service levels, their neighbor may not, thus creating disagreements on appropriate funding and service levels. The levy limit exemption has provided some relief from those disagreements, but the ERP limits continue to loom in these discussions.
- The North Shore Fire Department is asking the State of Wisconsin to consider an expenditure restraint exemption for consolidated fire service agreements between municipalities to fix this problem as we believe it was the intent of the legislators who originally supported the levy limit exemption to allow for continued support of joint fire departments.

Tr. Bockhorst moved, seconded by Tr. Warren to approve Resolution 2019-08 Supporting a Change in State of Wisconsin Statutes Exempting Tax Levy Authorized Under State Statute 66.0602(3)(h)2 for Joint Fire Department to be Excluded from the Calculation Determining Eligibility for Qualification for the Expenditure Restraint Program under State Statute 79.05(2). Motion carried 7 – 0 with a roll call vote.

- d. Consider desired architectural features for inclusion in Shorewood Fire Station façade easement.

The following information was included in the memo in the March 4, 2019 packet: On March 5 the Village Manager, Fire Chief and NSFD construction consultant John Mann will be reviewing architect proposals for renovation of Station No. 83. The memorandum of understanding with NSFD requires the Village Board and NSFD Board to come to agreement on a façade easement for the west and south elevations of the building prior to closing on the property. The Village Board has had limited conversation regarding the architectural features on the building. In light of the preservation group's submission of these features, the Village Board has been asked to weigh in on features that are of significance that they desire to be maintained and specified in the easement.

A community group has worked with architects to provide the Village Board with some material based on the architectural value of the building to provide a list to the architect who will be working on the fire station.

Rosalie Bredeck, 4248 N. Ardmore Ave, Shorewood, 53211 (Preserve Shorewood) explained the list included in the March 4, 2019 packet. She would like to see the RFP to include all walls to be maintained.

Some Village Board members raised concerns that preserving some of the interior features may not be as feasible as the exterior.

Chief Whittaker explained the overhead garage doors will more than likely not be preserved. All three architects asked what the requirements of preservation will be.

It was requested that President Rozek sit in on the architectural (?) review board meetings.

Tr. Warren moved, seconded by Tr. Amenta to provide the architectural elements in the updated

document dated February 26, 2019 subject to the Village of Shorewood fire house located at 3936 N. Murray Ave, to the North Shore Fire architects for review. Motion carried 7 – 0

- e. Consider removal of Plan Commissioner due to lack of attendance (meeting #3)  
Tr. Carpenter as the Judiciary, Personnel and Licensing Committee Chair reached out to Ms. Blankenship to discuss the attendance policy and invited her to attend the Village Board meeting for the discussion this evening.

The Village Board clarified the last time the policy was updated was 2017. Some Village Board members expressed the importance of following the policy. Some Village Board members expressed they would have preferred to have this conversation at a committee level with the individual. Some Board members expressed there may be some ambiguity and confusion with the policy and it may need to be addressed by committee.

Tr. McKaig (as past chair of Judiciary, Personnel and Licensing) explained the intent of the policy when it was developed, was the committee chair, staff liaison, and chair of JP&L would engage with the member to talk about the absences to determine if it was something that could be resolved or not. It set circumstances that a conversation could occur with the individual.

Leah Blankenship, 3916 N. Oakland Ave, Shorewood, 53211 has been a member of the Plan Commission for over five years and values her time on the commission. She stated she was unaware of the attendance policy and no one has had a discussion regarding her attendance in the past.

Tr. Amenta moved to call to question. Call to question carried 7 – 0.

Tr. McKaig moved, seconded by Tr. Maher to temporarily suspend Policy #33 and to maintain Leah Blankenship as a member of the Plan Commission pending review of the policy by the Judiciary, Personal, and Licensing Committee. Motion carried 4 – 3 with President Rozek, Tr. Amenta and Tr. Carpenter voting nay.

## 5. Consent Agenda Items

- a. Accept Presentation of Accounts – March 4, 2019
- b. Consider Village Board Minutes – February 19, 2019
- c. Consider Tobacco Retail License Inayat LLC, 3624 N. Oakland Ave, Shorewood, WI 53211
- d. Consider Application for Special Privilege Approval for outdoor seating in the sidewalk public right of way at:
  - i. Colectivo Coffee Roasters, 4500 N. Oakland Ave.
  - ii. Brat House Shorewood, 4022 N. Oakland Ave.
  - iii. Cloud Red, 4488 N. Oakland Ave.
  - iv. Nana Asian Fusion, 4511 N. Oakland Ave.
  - v. Stone Creek Coffee, 4106 N. Oakland Ave.
  - vi. Metro Market, 4075 N. Oakland Ave.
  - vii. Thief Wine Shop & Bar, 4512 N. Oakland Ave.
- e. Consider Application for Special Privilege approval for a parklet at:
  - i. Three Lions Pub, 4515 N. Oakland Ave.
  - ii. Draft and Vessel, 4417 N. Oakland Ave.
  - iii. Camp Bar, 4044 N. Oakland Ave.
  - iv. Brat House Shorewood, 4022 N. Oakland Ave.
- f. Consider use of Milwaukee County Parks Department facilities for snow storage (meeting #5)

Tr. McKaig moved, seconded by Tr. Maher to approve the consent agenda. President Rozek requested removing item 5ei and Tr. Amenta requested removing items 5eii, 5eiv, and 5f off the consent agenda. Motion carried 7 – 0.

6. Items Removed from the Consent Agenda

5ei; Consider Application for Special Privilege approval for a parklet at: Three Lions Pub, 4515 N. Oakland Ave.

Jonathan Lang, 4510 N. Oakland Ave., Shorewood 53211 submitted a letter (included at the end of the March 4, 2019 minutes) addressing noise concerns. Mr. Lang expressed he does not want to see the parklet revoked.

David Price, Three Lions Pub expressed their establishment will be more cognizant of any amplified noise.

It was noted that the Outdoor Seating within the Public Right-of-Way Requirements listed on Exhibit 1 of the Application for Special Privilege did not directly correspond to the requirements detailed in Policy 18 Outdoor Seating in the Public Right-of-Way. Staff was directed to update the application to match accordingly.

Tr. McKaig moved, seconded by Tr. Carpenter to approve the application for Special Privilege approval for a parklet at Three Lions Pub, 4515 N. Oakland Ave. Motion carried 6 – 1 with Tr. Maher voting nay. It was noted the special privilege can be revoked if in violation of Policy 18.

5eii; Consider Application for Special Privilege approval for parklet at: Draft and Vessel, 4417 N. Oakland Ave.

The Village Board discussed the location of the bus stop and the past approval of bike racks. Mr. Griepentrog will follow up on the bus stop issue.

Tr. McKaig moved, seconded by Tr. Maher to approve the application for Special Privilege approval for a parklet at Draft and Vessel, 4417 N. Oakland Ave and direct staff to purchase the bike racks and install when practical. No vote was taken

Tr. Bockhorst moved to amend to allow the bike corral to be placed in the street. The amendment to the motion failed for lack of a second.

Tr. McKaig moved, seconded by Tr. Maher to approve the application for Special Privilege approval for a parklet at Draft and Vessel, 4417 N. Oakland Ave and direct staff to purchase the bike racks and install on the sidewalk when practical. Motion carried 7 – 0.

The Village Board recessed at 9:22 p.m.

The Village Board reconvened at 9:34 p.m.

5eiv; Consider Application for Special Privilege approval for parklet at: Brat House Shorewood, 4022 N. Oakland Ave.

Tr. Bockhorst moved, seconded by Tr. McKaig to approve the application for Special Privilege approval for a parklet at Brat House, 4022 N. Oakland Ave. Motion carried 6 – 1 with Tr. Amenta voting nay.

5f; Consider Milwaukee County Parks facilities for snow storage (meeting #5)

Ms. Butschlick presented the following information from her memo included in the March 4, 2019 packet:

As noted, River Park Lot C is at capacity. Additional snow storage will be needed to accommodate any snowfall after February 27, 2019.

Milwaukee County Parks Department has offered limited one-time storage in two of its area parking lots: (1) Lincoln Park, approximately 1161 W. Glendale Avenue, and (2) Estabrook Park, 4000 block of N. Estabrook Parkway (immediately south of the Benjamin Church House).

These locations are easily accessible and in close proximity. However, while staff has no access to either park's storm sewer system plans, it seems likely that the drainage for both parking lots would flow to the Milwaukee River. This is being noted in recognition of the Board's selection of the River Park alternative, in large part, because of its location within the Village's combined sewer system service area.

It should be noted that the capacity of these areas is not large. Staff has no way to estimate at this point if they would be sufficient to store the remainder of the season's snow.

Other alternatives were identified in the Evaluation of Snow Dumping Options/Snow Removal Operations Alternatives Spreadsheets distributed in your September 4, 2018 Village Board packet. Please note that the City of Milwaukee storage location included among these alternatives is no longer viable; Milwaukee staff has indicated the lot is full.

Some Village Board members expressed the drive to Lincoln Park being a long drive. Some Village Board members expressed the possibility of using Triangle Park and Menlo. Some Village Board members expressed concern about dumping in our community areas and not informing the public first. Some Village Board members expressed concern for the environment and runoff to the river using Estabrook Parkway. Some Village Board members expressed they do not like the idea of taking the snow out of our village.

Tr. McKaig moved, seconded by Tr. Maher to direct staff to use Estabrook Parkway parking lot for the remainder of the 2019 snow season. No vote was taken.

Tr. McKaig called to question, seconded by Tr. Bockhorst. Call to Question carried 7 – 0.

Tr. McKaig made a friendly amendment, seconded by Tr. Maher to direct staff to utilize the Milwaukee County Parks system at their discretion for the remainder of the 2019 snow season. Motion carried 4 – 3 with President Rozek, Tr. Amenta and Tr. Carpenter voting nay.

7. 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. – None

8. Public Hearing(s)

- a. Ordinance 2099 Amending Conditional Use Permit regulations.  
The Public Hearing opened at 9:45 p.m.  
The Public Hearing closed at 9:46 p.m.

9. New Business

- a. Consider Ordinance 2099 Amending Conditional Use Permit regulations  
Mr. Griepentrog presented the following information from his memo included in the March 4, 2019 packet:  
The proposed amendment contains general updates relating to notice procedures, review requirements, limitations of approvals and termination procedures, as follows:

- In an effort to increase public awareness, conditional use applications would involve neighborhood notices to property owners within 200 feet of the application. (535-25)

•The code would be clarified to detail written notice of the outcome of consideration (535-25E); discuss prohibited alterations, extensions or modifications (535-25F); and, note that approvals shall be construed to run with the land and benefit future owners or occupants, unless vacated for one year (535-25G).

•Codifying current general practice, applications approved by the Plan Commission shall lapse and become null and void one year after the date of the approval, if the use has not commenced or a building permit has not been obtained. (535-25H)

•The proposed ordinance would make it clear that denied applications for a similar use under the same conditions or information could not come back before the Plan Commission within 1 year from the date of denial, unless the Plan Commission first determined that new information was available or conditions had changed. (535-25I)

•Also codifying current procedure, reasons for termination have also been detailed, including operations not in conformity with the original application, a demonstrably negative impact on the surrounding area, or violations of ordinances of the Village of Shorewood. (535-25J)

Tr. Maher moved, seconded by Tr. Carpenter to approve Ordinance 2099 Amending Conditional Use Permit regulations. Motion carried 6 – 1 by a roll call vote with Tr. Bockhorst voting nay.

- b. Consider results of RFP for Riparian Land Management Plan and award of contract. (meeting #2)

This item is deferred until the March 18, 2019 Village Board meeting.

- c. Consider results of RFP for Transportation and Parking Analysis and award of contract (meeting #3).

Mr. Griepentrog presented the following information from his memo included in the March 4, 2019 packet:

Four responses were received on January 25 in response to the issued RFP. As Chair of the Public Works Committee, Tr. Warren reviewed the proposals along with President Allison Rozek; Chair of the Community Development Authority, Peter Hammond; and Planning & Development Director Bart Griepentrog. Proposals were scored for discussion, which took place on February 22. As a result of that discussion, interviews with three of the consultants was scheduled and held on February 28.

<u>Consultant</u>	<u>Proposed Budget</u>
Walker/Eriksson	\$89,490
WGI	\$93,669
Ayres	\$83,400

The reviewing panel ultimately agreed to recommend the proposal submitted by the team from Walker/Erikson led by Philip Baron. The team associated with their proposal demonstrated wide geographical experience, presented a broad knowledge base on both topics, discussed a desired understanding of public engagement expectations and featured highly professional presentation skills.

The Community Development Authority's review and recommendation of the proposals is scheduled to take place at their meeting on March 1. At that meeting the CDA is expected to discuss their role in the project and recommend both budgetary commitments and consultant selection. A verbal update will be provided to the Village Board on the outcome of that discussion at the meeting.

President Rozek confirmed the CDA will be contributing \$30,000.

Tr. Bockhorst moved, seconded by Tr. McKaig to award the contract for the Village of Shorewood Transportation and Parking Analysis to Walker Consultants and Eriksson Engineering Associates for an amount not to exceed \$89,490. Motion carried 7 – 0.

10. Reports of Village Officials

a. Village President - None

b. Village Trustees –

Tr. Bockhorst will be in Washington DC for the National League of Cities and reminded everyone about the candidate meet and greet on Tuesday from 9:00 a.m. to 10:00 a.m.

Tr. Amenta reminded about the Talking About Race presentation at the Library on March 7 at 6:30 p.m.

Tr. Warren, along with Tr. Amenta, attended the Community Potluck by the Shorewood Moving Forward Group.

c. Village Manager –

Ms. Ewald presented her goals to the Village Board.

1. Meeting or talking monthly with every trustee.

2. Increase collaboration among stakeholders (staff/board/committees/public) through education and understanding of the Village's processes and procedures.

3. Build synergy among staff members by increasing shared knowledge, receiving feedback from peers/Village Manager to improve outcomes.

4. Implementation of quarterly financial review with Department Heads and key staff members with Finance Director and Village Manager.

5. Facilitating collaboration on the renovation of Station No. 83.

6. Completing Request for Proposals for Village financial advisory services and legal.

11. Items for future consideration - None

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. Bockhorst moved, seconded by Tr. Amenta to adjourn into closed session pursuant to 19.85(1)(c) to discuss the annual performance evaluation of the Village Manager at 10:26 p.m. Motion carried 7 – 0 by a roll call vote.

Tr. Amenta moved and Tr. Maher seconded to reconvene into open session at 11:13 p.m. Motion carried 7 – 0 by a roll call vote.

13. Adjournment

Tr. Maher moved and Tr. Carpenter seconded to adjourn at 11:15 p.m. Motion carried 7 - 0.

Respectfully submitted,

Sara Bruckman, CMC/WCMC  
Village Clerk

## Sara Bruckman

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**From:** Ericka & Jonathan <langjeje@gmail.com>  
**Sent:** Sunday, March 3, 2019 7:58 PM  
**To:** Sara Bruckman  
**Cc:** Diane DeWindt-Hall  
**Subject:** Special Privilege Application - Three Lions  
**Attachments:** Three Lions email chain.pdf

Sara - Would you please forward the following email to President Rozek and all of the Village Trustees.

Dear President Rozek & Village Trustees:

I apologize for not submitting my comments as part of the meeting packet, but I wasn't able to complete all of my comments prior to the deadline. I will be at Monday's Village Board Meeting to present my concerns, but I also wanted to send you an advance copy to ensure that you have a copy. I am reaching out to you regarding noise concerns at Three Lions Pub. I am a resident living in the Cornerstone apartment building and am requesting the Village address excessive noise generated from two outdoor speakers and late hour utilization of the parklet at Three Lions Pub.

Before I begin, I'd like to state that I am absolutely in favor of approval of Three Lions Special Privilege Application.

I moved into the Cornerstone mixed use building (4510 N. Oakland Avenue) in mid-June 2018 after becoming an empty nester. I love the vibrancy of Shorewood's downtown and wouldn't want to be anywhere else. The noise of cars, buses, pedestrians, people gathering at the outdoor bars and restaurants, are all sounds that are part of a downtown landscape. These sounds begin and end the day, with a natural swell as the day goes by. The sounds of concern fall outside those accepted and expected noise levels.

As noted, the business has two outdoor speakers, which according to the Special Privilege Application (Exhibit #2 item #10) are not allowed. The concern is the time of day, the frequency and volume. The speakers are on all day and all night at varying volumes. As early as 6:45 AM and as late as 2:00 AM the outdoor speakers are on. To be woken at 6:45 AM on a Sunday by a voice screaming "Gooooaaaalllllll!" has a much greater startling affect than any loud alarm clock.

Attached is a chain of email correspondence with Three Lions, providing examples of some of the times I've reached out to them. This, however, is a small portion of times that I've reached out to them about the speakers and after hours use of the parklet. I have also uploaded a few videos to YouTube (links below) that demonstrate the level of noise I hear in my apartment which is over 70 feet way.

YouTube Videos:

1. Thursday, August 9 at 10:55 I was woken by loud music. This video is prior to calling Three Lions <https://www.youtube.com/watch?v=V0KkVpPqZZE>
2. Thursday, August 9 after calling Three Lions <https://www.youtube.com/watch?v=Y17uHNIiSFQA>

3. Wednesday night during the fall when Three Lions had a trivia night.

<https://www.youtube.com/watch?v=t1DT8MG-2D8>

Even if there wasn't specific verbiage in the Special Privilege Application expressly prohibiting amplified music, I believe the Village of Shorewood code found in Chapter 383 would classify these disturbances as unreasonable noises – especially subsections 383-1, 383-2B & 383-2C.

### Chapter 383: Noise

#### § 383-1 General disorder.

[Amended 9-3-1991 by Ord. No. 1614]

It shall be unlawful for any person to make, continue, or cause to be made or continued any **noise** which is unreasonably loud or any **noise** which either unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the Village.

#### § 383-2 Unreasonable noises.

The following acts, among others, are declared to be unreasonably loud or disturbing and unnecessary **noises** in violation of this chapter, but said enumeration shall not be deemed to be exclusive, namely:

**A.** Horns or signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public place of the Village, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; the sounding of any such device for any unnecessary or unreasonable period of time; and the use of any signaling device or the use of any horn, whistle or any other device which creates any unreasonable, loud or harsh sounds for an unnecessary or unreasonable period of time.

**B.** Radios, phonographs, televisions and musical instruments. Using, operating, or permitting to be played, used or operated any radio, musical instrument, phonograph, television, or other machine or device for the producing or reproducing of sound in such manner as to unreasonably disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is reasonably necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of **11:00 p.m. and 7:00 a.m.** in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this subsection.

[Amended 9-3-1991 by Ord. No. 1614]

**C.** Loudspeakers and amplifiers for advertising. The using, operating or permitting to be played, used or operated of any radio, musical instrument, phonograph, loudspeaker, sound amplifier, television or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure, automobile or other vehicle.

In regards to the use of the parklet after hours - if you re-watch the 3rd YouTube video showing the trivia night, you'll notice that the voices of the patrons using the parklet can be easily heard - even over the noise of the speakers and the passing traffic. Additionally, after the Three Lions staff closes the parklet seating it often ends up as the "smoking area" for both customers and employees. It is also used as a gathering spot prior to entering the pub or when groups leave - especially at closing time. I know that the Three Lions management team have signs posted to "please respect our neighbors" but frankly - they don't work.

I appreciate you allowing me the opportunity to describe the type of disturbances that I encountered last summer and fall and I hope the Village will address it with Three Lions. In closing, I would like to once again iterate the I am in full support of approving Three Lions Special Privilege Application.

Kind regards,

Jonathan Lang



Jonathan Lang <langjeje@gmail.com>

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## Late night noise

7 messages

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**Ericka & Jonathan** <langjeje@gmail.com>

Fri, Aug 10, 2018 at 10:34 AM

To: tink@threelionspub.com, david@threelionspub.com

Gentlemen,

I moved to Shorewood a couple months ago and after living in Ozaukee County for the last 11 years I knew I'd have to reacclimate myself to the urban sounds. I really enjoy the active environment of the Shorewood community and one of the reasons we picked to live in The Cornerstone Apartments was the close proximity to Three Lions. We have definitely taken advantage of the proximity and during the last 2 months my family, friends and I have frequented your establishment a half dozen times. Also, the World Cup street party was fantastic and I hope you'll do that again next year for the Women's World Cup.

The first 5 to 6 weeks after we moved to Shorewood there weren't any issues but the last 3 weeks have frankly been kind of miserable. Saturday, July 28 at 1:30AM (technically Sunday) the outdoor music was still blaring away. Sunday, July 29 at 1:00AM (technically Monday) there were 2 loud and drunk females sitting at your parklet. Monday, July 30 at 11:30 the music was still on. So after work on Tuesday, July 31 I stopped in for a couple beers and to let you guys know about the issues. I ended up speaking with Kyle who was apologetic and he said that the night crew knew that they're supposed to turn off the music. He also said that he would speak with your employees and remind them of the rules established by the Village of Shorewood.

Fast forward to Saturday, August 4 - at 11:58PM I was woken up by noises outside and when I looked across the street and the music was on and there was a group of 20-25 people still sitting at the parklet. So I called and whomever answered the phone cleared the group out - not sure if they left or went inside. Then last night at 10:57 I was woken up by music blaring and oddly enough no one was even sitting outside. So I called and the music was shut off.

I don't know if other residents of The Cornerstone or The Ravenna have also had issues or if everyone else has hearing aids and have them turned off at night. I don't want this to be an issue for Three Lions with the Village and have it potentially impact future events you have planned or might plan so I'm hoping you'll be able to resolve these recurring issues.

Regards,

Jonathan  
262-395-6505

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**Tink Direct** <tink@threelionspub.com>

Fri, Aug 10, 2018 at 1:07 PM

To: Ericka & Jonathan <langjeje@gmail.com>

Cc: david@threelionspub.com

Jonathon,

Apologies on the noise issues you have been dealing with.

I will readdress this with all of the closing staff to ensure music is turned off, and the Parklet is emptied.

Please understand that there will be the odd occasion of a drunk patron leaving etc that may cause an annoyance. However, you should not be dealing with this on such a consistent basis.

Thank you for approaching us directly so that we can address the problem. Don't hesitate to contact us in the future

Thanks  
Chris

Sent from my iPhone  
[Quoted text hidden]

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**Ericka & Jonathan** <langjeje@gmail.com>  
To: tink@threelionspub.com  
Cc: david@threelionspub.com

Fri, Aug 10, 2018 at 1:54 PM

I completely understand the drunk patron situation and if it had occurred all by itself it wouldn't have been an issue. It just had the misfortune of happening between 2 nights when the music was on afterhours.

Thanks,

Jonathan  
[Quoted text hidden]

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**Jonathan Lang** <langjeje@gmail.com>  
To: tink@threelionspub.com  
Cc: david@threelionspub.com

Sat, Sep 1, 2018 at 6:48 AM

6:45 in the morning and for some reason your staff feels the need to have the speakers on the patio turned on so everyone can hear the soccer match.

Sent from my iPhone  
[Quoted text hidden]

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**Tink Direct** <tink@threelionspub.com>  
To: Jonathan Lang <langjeje@gmail.com>  
Cc: david@threelionspub.com

Sat, Sep 1, 2018 at 7:24 AM

Apologies

I have reiterated to the staff to leave the outside speakers off in the morning

I believe they are off now

Sent from my iPhone  
[Quoted text hidden]

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**Jonathan Lang** <langjeje@gmail.com>  
To: Tink Direct <tink@threelionspub.com>  
Cc: david@threelionspub.com

Mon, Sep 3, 2018 at 12:33 AM

I just had to call and ask our staff to turn off the outside music. RJ answered the phone and was apologetic and turned off the music immediately. It was a welcomed change compared to Kyle's attitude on Saturday morning when I called.

I don't doubt that you have spoken to your staff but unfortunately it's not getting through to them. I believe the guidelines in the parklet application you completed are set up to allow you to grow your business while maintaining a balance with your neighbors. I don't want to interfere with the profitability of your business but you have a responsibility as business owners not to interfere with the quality of life of your neighbors.

I'm not sure what to do next and had really hoped to have been able to resolve this without involving the Village.

Really not sure what to do next.

Jonathan

Sent from my iPhone

[Quoted text hidden]

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**Tink Direct** <tink@threelionspub.com>  
To: Jonathan Lang <langjeje@gmail.com>  
Cc: david@threelionspub.com

Mon, Sep 3, 2018 at 7:35 AM

I have an idea that I will implement today.

I will buy an alarm clock for behind the bar that goes off at 10.00pm every day...signaling to turn the speakers off

Sent from my iPhone

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