



MINUTES - SHOREWOOD BOARD OF TRUSTEES
Village Board Meeting
May 6, 2019

1. Call to Order

President Rozek called the meeting of the Village Board to order at 7:40 p.m. in the Court Room.

2. Roll Call

President Rozek called the roll. Present: Trustees Davida Amenta (7:58 p.m.), Tammy Bockhorst, Jessica Carpenter, Michael Maher, Ann McKaig and Wesley Warren.

Others Present: Village Attorney Nathan Bayer, Village Manager Rebecca Ewald, Planning and Development Director Bart Griepentrog, Police Chief Peter Nimmer, Finance Director/Treasurer Mark Emanuelson

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. Oath of Office Trustee Tammy Bockhorst and Trustee Wesley Warren.

b. Consider ESAB Age Friendly Plan

Sue Bronson, Chair for Elder Service Advisory Board presented an update on the Age Friendly Plan for the Village of Shorewood. The Stakeholder breakfast was held March 21, 2019 with an attendance around 50 people including most of the Village Board. The stakeholders provided input and developed an action plan for the Age Friendly Plan; the Elder Services Advisory Board discussed the plan at their May 2, 2019 meeting.

Sue Kelly, Shorewood Connects facilitator; discussed the summary included in the May 6, 2019 Village Board packet. Four areas of priority have been identified in that summary; Pedestrian Safety, Senior Housing, connecting with neighbors, and knowing where to turn for help.

Elizabeth Price, Director Senior Resources, requested the Village Board to continue funding the Shorewood Connects Facilitator position at its current level and to approve the Age Friendly Plan. Any additional duties and responsibilities with the position would be funded through the Benjamin Fund.

Ms. Ewald clarified the group is requesting \$6,390 a year for three to five years. They will be requesting a match from the Benjamin Fund to carry out the Age Friendly Plan.

Some Village Board members expressed their support for the Age Friendly Plan as it sets Shorewood apart from other communities.

Tr. Bockhorst moved, seconded by Tr. Maher to approve the Elder Services Advisory Board Age Friendly Plan with a funding level of \$6,390 per year for a maximum of five years. Motion carried 7 – 0.

c. Consider Police Department Phase 2B options

Erik Dillion, Riley Construction presented on the Phase 2B options included in the May 6, 2019 Village Board packet. Mr. Dillion clarified it cost the Village \$5,000 to redo the plans to reduce the cost of the original plans for the garage.

One Village Board member asked what the acquisition of the building was; Chief Nimmer stated \$2.4 million. Mr. Dillion explained the garage and the community room space would need to have a sprinkler system. Mr. Dillion clarified it would save the Village about \$40,000 if the sprinkler system was removed until the community room is developed; the cost would be similar to add it later.

Mr. Dillion explained since the property to the north has been sold, option 1B would not be practical as it would require the Village to acquire some of that land in order to make the turn radius out of the garage.

Some Village Board members asked how large the Police Department fleet was? Chief Nimmer stated there are 12 cars, three of them are on patrol at one time. One Village Board member inquired if the Village anticipates an expansion of the fleet. Chief Nimmer stated not at this time. Chief Nimmer explained some of the smaller options would be a little tight as there are poles that are not depicted in the drawings.

Some Village Board members expressed concern with the size of the potential community room. Mr. Dillion and Chief Nimmer explained with option 1A1, the line could be moved and allow more space for the community room and still provide efficient parking for the fleet.

Some Village Board members expressed it may be a viable option to rent the community space to an agency or tenant.

Tr. Bockhorst moved, seconded by Tr. McKaig to consider the Police Department construction phase 2b, garage option 1A1 with the updated budget amount of \$749,703.00. Tr. Bockhorst withdrew the motion.

Some Village Board members expressed concerns about approving this in advance of 2020 budget discussions. Some Village Board members expressed concern for building too large of a garage. It was also noted in the Long Range Financial Plan, there is \$500,000 budgeted for the Police garage. It was also noted that the 2016 budget presentation of the total remodel was \$1,900,000.00. It was noted the Village Board asked for revised plan at \$500,000 not \$750,000. Ms. Ewald noted this discussion is occurring prior to the budget process in order to provide the Village Board more time to consider some of the larger expenditure items. Mr. Emanuelson clarified this is to approve the design with a potential budget amount for 2020 in order to start the bidding process prior to the budget cycle.

Rosie Bredeck, 4248 N. Ardmore Ave, Shorewood, 53211; questioned if the Village has done any space planning for future use of the community room?

Tr. Warren moved, seconded by Tr. McKaig to defer for discussion and eventual consideration after the Village Board discussion of the Long Range Financial Plan June 17, 2019. Motion carried 7 – 0.

5. 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
6. Consent Agenda Items
 - a. Accept Presentation of Accounts – May 6, 2019
 - b. Consider Village Board Minutes – April 15, 2019
 - c. Consider application for Special Event permit and Temporary Class “B” for the Shorewood SEED Foundation, September 15, 2019.
 - d. Consider application for Special Even permit for UPAF Ride for the Arts, June 2, 2019.
 - e. Consider application for Special Event Permit, Temporary Class “B” License and Short Term Cabaret License for the Shorewood Men’s Club Chicken BBQ for June 8, 2019.
 - f. Consider application for Temporary Class “B” License for the Shorewood Men’s Club for July 4, 2019.
 - g. Consider Application for Special Privilege Approval for a Loading Zone in the public right of

way at:

- i. The Atrium, 2107 E. Capitol Dr.
 - ii. Shorewood Manor, 4001 N. Prospect Ave.
 - iii. Walgreen's 4035 N. Oakland Ave.
- h. Consider Applications for Special Privilege Approval for temporary outdoor seating in the sidewalk public right of way at:
- i. Blue's Egg, 4195 N. Oakland Ave.
 - ii. Orange Theory Fitness, 4155 N. Oakland Ave.
- i. Consider Application for Special Privilege Approval for permanent outdoor seating in the sidewalk public right of way at Blue's Egg, 4195 N. Oakland Ave.

Tr. Bockhorst moved, seconded by Tr. Maher to approve the consent agenda. Tr. Amenta requested removing item 6e, President Rozek requested removing item 6g, and Tr. Maher requested removing items 6hi and 6i off the consent agenda. Motion carried 7 – 0 with items 6e, 6g, 6hi, and 6i removed.

7. Items Removed from the Consent Agenda

6e; Consider application for Special Event Permit, Temporary Class "B" License and Short Term Cabaret License for the Shorewood Men's Club Chicken BBQ for June 8, 2019.

Tr. Amenta questioned if this is the first time the Men's Club has applied for a Short Term Cabaret License. Clerk Bruckman stated yes.

Tr. Bockhorst moved, seconded by Tr. McKaig to approve the application for Special Event Permit, Temporary Class "B" License and Short Term Cabaret License for the Shorewood Men's Club Chicken BBQ for June 8, 2019 Motion carried 7 – 0.

6g; Consider Application for Special Privilege Approval for a Loading Zone in the public right of way at:

- i. The Atrium, 2107 E. Capitol Dr.
- ii. Shorewood Manor, 4001 N. Prospect Ave.
- iii. Walgreen's 4035 N. Oakland Ave.

Paul Hackbarth, 3901 N. Lake Dr., Shorewood, 53211; owner of the Atrium explained when they originally applied for the loading zone, the sign was placed on an existing poll where a two-hour parking sign was located. This year they are requesting additional feet to allow the poll to be placed in the planter as Mr. Hackbarth did not want to cause more work by tearing up the brick to install the poll in the correct location.

Some Village Board members questioned the times that were being requested. Mr. Hackbarth explained the times are 10 a.m. to 2:00 p.m. in respect of the school day, they were carefully planned out. It's the time we give to vendors to drop off linens, alcohol, supplies.

Tr. Amenta moved, seconded by President Rozek to amend the Special Privilege Approval for a Loading Zone in the public right of way at The Atrium, 2107 E. Capitol Dr. to take away the hours of 10:00 a.m. to 2:00 p.m. Monday through Thursday but continue with 10:00 a.m. to 12:00 a.m. Friday through Sunday. No vote was taken.

Some Village Board members expressed an event venue that primarily holds events on the weekends should not require a loading zone during the week. Some Village Board members expressed concerns changing the loading zone could cause an inconvenience to people living in the neighborhood. Some Village Board members clarified if it was approved, the applicant would need to apply for renewal next year and the Village would have traffic and parking data at the time of renewal next year.

Tr. Bockhorst moved to amend the motion, seconded by Tr. Maher to include the hours 10:00 a.m. to 2:00 p.m. Monday through Friday. No vote was taken.

Tr. Amenta moved to call to question, call to question carried 5-2 with Tr. Bockhorst and Tr. McKaig voting nay.

Vote was taken on the amendment; Amendment fails 0 - 7.

Tr. Bockhorst moved to amend, seconded by Tr. Maher to include the original application requests with hours in the application Monday through Thursday, 10:00 a.m. to 2:00 p.m. and 10:00 a.m. to 2:00 a.m. Friday through Sunday. No vote was taken.

Geoff Davidian, 4101 N. Prospect Ave., Shorewood, 53211; explained parking is a real problem in the Village, if it was a natural resource, that person would need to replace it. There is no place to replace it in the Village. People came to the Village to live, not drink on the sidewalks.

Mr. Griepentrog clarified there was a typo in the memo and the applicant is request until 2:00 a.m. Friday through Sunday, not 12:00 a.m.

Vote was taken on the amendment; Amendment carried 6 – 1 with Tr. Amenta voting nay.

Vote was taken on the motion as amended; to approve the Special Privilege Approval for a Loading Zone in the public right of way at The Atrium to include the original application requests with hours Monday through Thursday, 10:00 a.m. to 2:00 p.m. and 10:00 a.m. to 2:00 a.m. Friday through Sunday. Motion as amended carried 6 – 1 with Tr. Amenta voting nay.

6gii and 6giii;

Tr. Bockhorst moved, seconded by Tr. Maher to approve the application for Special Privilege Approval for a Loading Zone in the public right of way at Shorewood Manor, 4001 N. Prospect Ave and Walgreen's, 4035 N. Oakland Ave. Motion carried 7 – 0.

Tr. Bockhorst was excused at 9:01 p.m.

Tr. Bockhorst returned at 9:03 p.m.

6h; Consider Applications for Special Privilege Approval for temporary outdoor seating in the sidewalk public right of way at:

- i. Blue's Egg, 4195 N. Oakland Ave.

Dan Sidner, Blue's Egg, stated the original application had the concept that included a bar on the sidewalk immediately outside the door; bartenders preparing cocktails outside. This has been eliminated from the application. The new application has a service wait station and garbage can, there would be no point of sale outside; servers would come out with cocktails and limited food choices from the inside of the restaurant. Mr. Sidner explained the challenge is keeping patrons from opting to choose another place while they have to wait. The restaurant currently has four benches out front, they are proposing to add side tables (during the summer months), additional benches and the small service station. Mr. Sidner thought the change in application would assist with the approval process.

Some Village Board members where concerned it would set a precedent for other business's in the Village. Mr. Griepentrog explained it would be similar to Cloud Red's temporary outdoor seating, the only difference is Blue's Egg has a request for the permanent benches.

Some Village Board members were concerned about placing benches on Olive. Mr.

Griepentrog explained there are two applications; there is a request for temporary seating of three benches and six side tables on Olive and a permanent seating request for four benches

and six side tables on the Oakland side.

Some Village Board members questioned if Blue's Egg would come back to request an amendment to their liquor license premise for the serving of alcohol outside.

Attorney Bayer commented the purpose or intent for the description of premise in chapter 125 of State statute is to define the property that is owned by the license holder; where liquor is going to be served and sold. The area that Blue's Egg is requesting to serve is not their premise, it's public right of way owned by the village. They are asking for a Special Privilege approval to sit and serve in that public right of way, the Village can decide to revoke the Special Privilege approval if it is not working out.

Some Village Board members expressed concern where is the line defined on Village property that an establishment could stop serving alcohol. Attorney Bayer stated that would be a decision of the Village Board.

Some Village Board members inquired if other establishments came for approval on a premise modification after their outdoor seating or parklet was approved.

Clerk Bruckman stated there is paperwork or applications that relate to approval of change in premise after a Special Privilege for outdoor seating or a parklet have been approved. Clerk Bruckman clarified those establishments include the outdoor seating or parklet in their current premise description. Clerk Bruckman stated, with the change in application to no longer include a bar outside, the Special Privilege permit for temporary and permanent outdoor seating was all that was required based upon the history of other establishments not getting additional approval for a change in premise.

Some Village Board members stated there just needs to be consistency with how the applications get approved.

Tr. Amenta moved, seconded by Tr. McKaig to approve the application for Special Privilege Approval for temporary outdoor seating in the sidewalk public right of way at Blue's Egg, 4195 N. Oakland Ave., and request the applicant to come with an amendment to their liquor license premises description at the next Village Board meeting. Tr. Amenta withdrew the motion.

Clerk Bruckman explained Mr. Sidner had originally come for a seasonal extension of premise. After the modification to the application was made to no longer include an outdoor bar, Clerk Bruckman and Mr. Griepentrog agreed it should be treated as all other Special Privilege requests for outdoor seating or parklets. There is no documentation that could be located in the Clerk's office or Planning and Development that requests have been approved in the past. Clerk Bruckman clarified the renewal application does include outdoor seating if approved.

Attorney Bayer clarified, when you grant a Special Privilege, the Village can include conditions for the applicant and it be revoked if those conditions are not met.

Some Village Board members shared they were not against the approval, but want proper documentation for future Village Boards.

Tr. Amenta moved, seconded by Tr. McKaig to approve the application for Special Privilege Approval for temporary outdoor seating in the sidewalk public right of way at Blue's Egg, 4195 N. Oakland Ave. and to ask JP&L Committee to review the issue of aligning the description of premise with outdoor seating. Motion carried 6 – 1 with President Rozek voting nay.

6i; Consider Application for Special Privilege Approval for permanent outdoor seating in the sidewalk public right of way at Blue's Egg, 4195 N. Oakland Ave

Tr. McKaig moved, seconded by Tr. Warren to approve the application for Special Privilege Approval for permanent outdoor seating in the sidewalk public right of way at Blue's Egg, 4195 N. Oakland Ave Motion carried 6 – 1 with President Rozek voting nay.

The Village Board recessed at 9:29 p.m.

The Village Board reconvened at 9:36 p.m.

8. Public Hearing(s) - None

9. New Business

- a. Consider application for "Class A" for Spring East LLC d/b/a BP Pantry 41, 1604 E. Capitol Dr., Shorewood, WI 53211.

Alicia Walia, owner of the BP Pantry 41; stated she is applying for the "Class A" in order to sell beer and wine, there would not be any hard liquor sales. Ms. Walia is open minded to only selling beer.

Clerk Bruckman shared the information JP&L requested clarification on for the Village Board to consider:

What is the history on Policy #16?

Staff is unaware of the of the history of why this policy was set. After following up with the Department of Revenue it is believed the Village adopted the policy after the City of Milwaukee adopted Ordinance 90-4.7 *"Restriction on Granting of Class "A" Fermented Malt Beverage and "Class A" Retailer's Intoxicating Liquor Licenses. No "Class A" retailer's intoxicating liquor license or Class "A" fermented malt beverage retailer license may be granted to an applicant applying for a premises currently licensed as a filling station."*

How many "Class "A" are available? 3 currently available, there are 6 total licenses. The current holders are Russian Food and Gifts, Kensington Liquor and Walgreens. Thompson's Serv-U Pharmacy holds a Class "A" Retail Malt Beverage License.

How many feet away from a school does an establishment need to be?

- Unless waived by a majority vote of the governing body, a liquor license may not be issued within 300 feet of the main entrance of any church, school, or hospital. Sec. 125.68(3).

(Note: The distance between the license premises and the church, school or hospital is measured by the shortest route along the highway from the main entrance of the church, school or hospital to the main entrance of the licensed premises)

- The restriction does not apply to a restaurant located within 300 feet of a church or school in which the sale of alcohol beverages accounts for less than 50 percent of its gross receipts.
- This restriction also does not apply to premises covered by a license on June 30, 1947 and to premises licensed prior to the location of a church, school or hospital within 300 feet.
- This restriction does not apply to beer-only licenses.
- This restriction does not apply to "Class A" cider license under 125.51(2)(e).

Some Village Board members expressed there are many residents who would not like to see additional places in the Village selling alcohol. Some Village Board members expressed concern about making an exception to the policy; the Village could take a look at the policy as a whole. Some Village Board members expressed the idea of suspending the policy.

Ms. Walia stated Walgreens is a competitor and they serve limited beer and wine. Her BP tries to provide custom fit items customers are looking for.

Tr. Maher moved, seconded by Tr. Amenta to uphold Policy #16 as it stands and deny the Application

for a "Class A" License for Spring East LLC d/b/a BP Pantry 41, 1604 E. Capitol Dr., Shorewood WI, 53211, Owner Alicia Walia. Motion carried 6 – 1 with Tr. Bockhorst voting nay.

b. Consider Trick or Treat date/time for 2019.

President Rozek moved, seconded by Tr. Maher to defer the discussion of Trick or Treat date/time for 2019 until the next full Village Board meeting. Motion carried 7 – 0.

10. Closed Session – The Village Board will adjourn into closed session pursuant to 19.85(1)(g) to confer with legal counsel on strategy regarding pending litigation regarding the Estate of Jonah Marciniak.

Tr. Maher moved, seconded by Tr. Carpenter to adjourn into closed session pursuant to 19.85(1)(g) to confer with legal counsel on strategy regarding pending litigation regarding the Estate of Jonah Marciniak. at 9:54 p.m. Motion carried 7 – 0 by a roll call vote.

The Board reviewed pending litigation with Attorney. Joe Wirth.

11. Reconvene into Open Session

Tr. McKaig moved, seconded by Tr. Warren to reconvene into Open Session at 10:29 p.m. Motion carried 7 – 0 by a roll call vote.

12. Reports of Village Officials

- a. Village President – Standing Committee & Committee Liaison appointments are now on file with the Village Clerk.
- b. Village Trustees – Trustee Bockhorst updated on the League of Wisconsin Municipalities legislative actions. Trustee McKaig noted she will be coordinating with staff, trustee and committee members to submit an initiative on human relations training.
- c. Village Manager – Update on timeline for prioritization and requested direction from the Village Board start time for the special Budget & Finance Committee meeting to prepare for the Long Range Plan scheduled on May 13th. The Board agreed to meet at 6 p.m.

13. Items for future consideration –

Tr. McKaig moved, seconded by Tr. Warren to have a review wrap-up session with the Village Manager. Motion carried 5 – 2 with President Rozek and Tr. Amenta voting nay.

Tr. Bockhorst noted she did not trust the Village Manager review process between the Judiciary, Personnel & Licensing Chair and Village President.

The Village Board discussed there would be a wrap-up previously with the Village Manager and full Village Board as a standard operating procedure in human resources.

Tr. Bockhorst brought up reviewing the appointment process and standing committee assignments.

Tr. Amenta strongly requested Tr. Bockhorst to make a motion. Tr. Bockhorst requested for the process to be discussed at a later date.

President Rozek moved to review the appointment process for the standing committees' assignments at the next Village Board meeting, motion failed for lack of a seconded.

14. Adjournment

President Rozek moved and Tr. McKaig seconded to adjourn at 10:49 p.m. Motion carried 7 - 0.

Respectfully submitted,

Sara Bruckman, CMC/WCMC
Village Clerk