



MINUTES - SHOREWOOD BOARD OF TRUSTEES
Committee of the Whole Meeting
October 21, 2019

1. Call to Order

President Rozek called the Committee of the Whole meeting of the Village Board to order at 6:33 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 (7:03 p.m.), Michael Maher, Ann McKaig and Wesley Warren (6:35 p.m.). Tr. Carpenter is excused

Others Present: Assistant Village Manager Tyler Burkart, BID Director Ericka Lang, Planning and Development Director Bart Griepentrog.

4. Review of BID 2020 operating plan.

Mr. Burkart introduced BID Director Ericka Lang. Ms. Lang briefly explained the 2020 proposed budget and the potential assessment increase for the businesses. Ms. Lang in 1999 the assessment was \$1.06 per \$1,000, in 2006 it increased to \$1.10 per \$1,000. The increase for the 2020 operating plan is \$1.38 per \$1,000. The average rate for the 81 Business Improvement Districts in Wisconsin is \$2.33 per \$1,000.

Ms. Lang explained \$30,000 has been included in the budget for beautification, which would include canvas pole banners and spray painting the metal frames and restringing the lights on the current snowflakes. Ms. Lang explained the BID is hoping to partner with the Village Public Works Department to hang the banners.

Ms. Lang explained the expenses have increased for the 2020 events. She further explained they plan to increase seating at the Feast and to increase marketing efforts as a whole.

Some Village Board members clarified the increase in management fee salary is up \$4,000 to \$52,000. Ms. Lang explained this was for her salary and that the \$32,000 for the director fees is for the new marketing person hired in March, there is not a proposed increase at this time. The Village Board discussed what modifications or benefits would have to be done if a full-time employee was hired.

Some Village Board members voiced they would like to see salaries paid based upon the operating budget percentage; they voiced concern about asking to raise assessments on the small business for some of it to go to increase salaries. Some Village Board members clarified the BID is proposing a \$224,000 Budget and staff cost would be 50% of the proposed budget.

Some Village Board members suggested considering raising the \$5,000 assessment cap.

The Village Board reviewed the revenue and expenses from the 2019 events, specifically the revenue from The Feast. Ms. Lang explained the seating for The Feast will increase from 100 to 150 – 200 in 2020. Some Village Board members inquired what the line item outside services from The Feast consisted of. Ms. Lang explained porta-potties, music, stages, tents, chairs, etc.

Some Village Board members questioned what notification have the businesses been given about the assessment increase and requested all businesses be surveyed on how the BID is utilizing their funds before there is an increase in assessments. Some Village Board members questioned how non food and beverage businesses benefit from the events the BID puts on. Village Board members explained they do receive concerns from residents about business access when the streets are closed for events. Village Board members expressed they would like to see the BID to be less event focused and more public improvement contributions.

Some of the BID Board members explained members of the BID Board will be going to each business to discuss and inquire what the BID is doing well, what could be improved and how each business could benefit from the BID.

Geoffrey Davidian, 4101 N. Prospect Ave., Shorewood, 53211; stated he did not see a line for legal fees in the BID operating budget, Mr. Davidian explained he made a public records request to the BID and it was sent to the Village Attorney. Mr. Davidian questioned if there was a policy of reporting the use of the Village Attorney for the Business District.

Some Village Board members questioned the number of BID Board members present at this meeting, since they are subject to open meeting and open records like any other governmental agency. Suggested that the BID Board be mindful of rules regarding quorums i.e. conversations with a quorum present, how votes should be taken in public meetings and the results of the votes included in the minutes. There is an easy to read and understand document from the Attorney General that explains. The BID Board should understand that they are a public agency and need to operate under those guidelines for the sake of public transparency. Ms. Lang explained that there is not a quorum of the BID Board here tonight purposefully. Some Village Board members noted that the comment was referencing the back and forth discussions tonight about issues that should be discussed in a public, properly noticed meeting.

Some trustees noted that there is strong encouragement to use any additional fees collected by the BID from the businesses for public improvement.

Village Board members expressed their appreciation to the BID for including beautification in their budget (which is beneficial to all businesses) and for submitting the operating plan in alignment with the Village Board's budget schedule. Concerned over transparency and that some Village Board members strongly encourage to use any additional BID fees collected for public improvement, which has come up during budgeting cycle for the past two + years. Understands that the BID Board is their own board of directors and would like to continue working with them.

Some Village Board members requested for the BID Director to provide the differences between the 2019 and 2020 budgets and for the BID to reach out to the business owners about the change of assessment.

Some Village Board members noted that the Summer Market at Wood Square was not included. Ms. Lang indicated that the program still exists, it is active, but the BID has not budgeted summer Saturdays as it is focusing on The Feast.

5. Tr. Amenta moved, seconded by Tr. Bockhorst to adjourn the meeting at 7:27 p.m. Motion carried 6 - 0.



MINUTES - SHOREWOOD BOARD OF TRUSTEES
Village Board Meeting
October 21, 2019

1. Call to Order

President Rozek called the meeting of the Village Board to order at 7:38 p.m. in the Court Room.

2. Roll Call

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

Others Present: Assistant Village Manager Tyler Burkart, Planning Director Bart Griepentrog

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 signal box project, grant for project, request for sole source contract approval for signal box film contracted vendor and invoice payment requirements. (7:39 p.m.)
Dick Eschner, 3559 N. Summit Ave, Shorewood, 53211; co-chair of the Public Art Committee gave a brief update about Signaling History; putting graphic art done by artists on the 11 signal control boxes.

Diane Buck, 3959 N. Summit Ave., Shorewood, 53211; introduced Don Berg and Eve Sappenfield from the Public Art Committee and passed around a brochure for the Signaling History boxes. Ms. Buck explained she will be hosting a fundraising event on November 7 to obtain underwriters for the signal boxes, each box will cost \$2,000. The artist of the box will receive \$1,000 stipend from the \$2,000 donation. Ms. Buck explained they hope to have all the fundraising completed by spring of 2020 and this will not cost the Village any money as it will be raised privately. Ms. Buck explained that Public Works is responsible for making sure the control boxes are in good condition before they are wrapped. Ms. Buck explained the Public Art Committee applied for the Shark Tank Grant and received \$5,000. The donors will direct their donations through the Shorewood Foundation.

Some Village Board members clarified from a funding prospective, the grant will come from the Shorewood Foundation and the donations will be made to the Shorewood Foundation, the Foundation will transfer money to the Village and the Village will disperse funds in response to invoices received.

Some Village Board members inquired about the maintenance of the art work. Ms. Buck explained the artwork wrap life span is about five years, if there was vandalism there is money set aside to re-wrap a box if necessary. It was noted the donation policy will be forwarded to Ms. Buck.

Some Village Board members inquired if there are any other film vendors in our region that could do the wrapping. Ms. Buck explained they chose Confluence in Whitefish Bay because there were not any vendors in Shorewood and they try and stay with local businesses. Some

Village Board members explained there is a procurement process for sole source contracting and they would not feel comfortable with approving the sole source vendor contract if it is not a proprietary vendor. The Village Board discussed potentially deferring the contract and how that would impact the timeline for Public Art. A portion of the Village's Purchasing Policy was read: If the item to be purchased is from \$1,000 - \$9,999 in value the following methods should be used: (Fuel and Salt purchases, as well as maintenance fees for computer software or equipment or software contract fees that that have been detailed in the budget are exempt from this requirement)

Price checking from at least 3 vendors is required to be documented for all items purchased that are between \$1,000 and \$9,999 in value. However, multiple price checking is not required when pricing is based on the bidding done by other governments, such as items purchased under State contract pricing, V.A.L.U.E. contract pricing, or other similar programs.

President Rozek moved, seconded by Tr. Warren to defer the approval of the signal box project, approve receipt of the Shorewood Foundation Grant for the Signal Box project in the amount of \$5,000, approve a sole source contract for the film vendor in accordance with the Purchasing Policy and Accounts Payable Policy, provide the Treasurer funds to be held by the Village and utilized for payment of invoices associated with the project. No Village tax dollars shall be utilized for the project, unless specifically approved by the Village Board and approve payment of invoices after PAC approval, PAC date/signature and submission of invoices in accordance with the Purchasing Policy and the Village Treasurer until the next Village Board meeting to allow time for the Public Art Committee to meet with the Village's Finance Director and gather the documentation needed to adhere to the Village's Purchasing Policy.

Some Village Board members suggested to approve all the items but the sole source contracting.

President Rozek moved to amend, seconded by Tr. Warren to approve the signal box project, approve receipt of the Shorewood Foundation Grant for the Signal Box project in the amount of \$5,000, provide the Treasurer funds to be held by the Village and utilized for payment of invoices associated with the project—no Village tax dollars shall be utilized for the project, unless specifically approved by the Village Board—and approve payment of invoices after PAC approval, PAC date/signature and submission of invoices in accordance with the Purchasing Policy and the Village Treasurer and to defer approval of the sole source contract for the film vendor in accordance with the Purchasing Policy until the next Village Board meeting. Motion carried 6 – 0.

- b. Consider Resolution 2019-14; In the Matter of Authorizing an Exception to the Levy Limits for Charges for the North Shore Fire Department Pursuant to 2005 Wisconsin Act 484. (8:05 p.m.) Chief Whitaker explained the vote tonight requires a majority vote.

Tr. Maher moved, seconded by Tr. Bockhorst to approve Resolution 2019-14 in the Matter of Authorizing an Exception to the Levy Limits for Charges for the North Shore Fire Department Pursuant to 2005 Wisconsin Act 484. Motion carried 6 – 0 by a roll call vote.

- c. Consider Resolution 2019-15; A Resolution Approving the 2020 North Shore Fire Department Fees for Service Schedule. (8:08 p.m.)
Chief Whitaker explained the North Shore Fire Department annually updates their fee schedule and requires that at least five of the seven member municipalities pass a resolution on the fee schedule included in the packet. Chief Whitaker explained all EMS fees have been adjusted by 1.3% which is in the Medical Care Commodities and Medical Care Service CPI for 2019 with the following exceptions of LUCAS CPR and ResQPod fee of \$250 which reflects new equipment used for patients who are pulseless and not breathing and Intubation Fee increased \$75 over the CPI adjustment to reflect new equipment required for intubation. Fire prevention

permits and inspections and administrative fees are staying the same.

The Village Board discussed Medicare and Medicaid billing and collection process. Chief Whitaker clarified the average wage CPI was 1.8%

Tr. Warren moved, seconded by Tr. Amenta to approve Resolution 2019-15; A Resolution Approving the 2020 North Shore Fire Department Fees for Service Schedule. Motion carried 6 – 0 by a roll call vote.

- d. Consider Resolution 2019-16; A Resolution 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. (8:12 p.m.)
Chief Whitaker explained each project of this size requires a separate action by all the municipalities to pass a budget for the project because it involves borrowing and debt service. The resolution implies the Village of Shorewood agrees to pay the Village of Whitefish Bay the Village's portion of those bonds.

Tr. Maher moved, seconded by Tr. Bockhorst to approve Resolution 2019-16; A Resolution 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 6 – 0 by a roll call vote.

- e. Consider Resolution 2019-17; A Resolution Approving the "Single or Multi-Year Capital" Budget to Remodel the Shorewood Fire Station in 2020. (8:21 p.m.)
Chief Whitaker explained this approval allows for the expenditure of the North Shore Fire Department Funds. The total cost of the project and purchase, including interest and borrowing costs for financing is \$4,440,735.

President Rozek moved, seconded by Tr. Maher to approve Resolution 2019-17; A Resolution Approving the "Single or Multi-Year Capital" Budget in the amount of \$4,440,735 to Remodel the Shorewood Fire Station in 2020. Motion carried 6 – 0 by a roll call vote.

- f. Consider policy position letter form Human Relations Commission and next steps.
Mr. Burkart introduced the topic and explained the Human Relations Commission has met a few more time since the last Village Board meeting to go through the policy with recommendations supplied from the Village Attorney. Many of Attorney Bayer's suggestions relate to approval of third-party signs, objects, and structure installation requests, the Human Relations Commission focused specifically on holiday decorations as requested by the Village Board.

Julia Appel, 4309 N. Farwell Ave., Shorewood, 53211; explained on behalf of the Human Relations Commission the letter included in the Village Board packet is a recommendation in regards to holiday decorations on public property. The Human Relations Commission believes the Village Board should exercise its discretion and not put up the Christmas tree in Atwater Park because legal definitions don't always agree with public sentiment.

Deba Briscoe, 4516 N. Bartlett Ave., Shorewood, 53211; explained the Human Relations Commission is requesting no permanent or semi-permanent holiday displays be allowed on public property from third parties.

Ms. Appel explained this policy would not apply to what the Village could display; the Christmas tree is a separate request. The policy is separate from asking the Village Board to exercise their discretion on not lighting the Christmas tree at Atwater Park.

Some Village Board members clarified the three potential motions; the first motion reflects the approval of the policy which would not allow displays or decorations, by third parties, on public property unless they are approved for a special event or special privilege permit. The second motion would reflect to authorize staff to use its discretion on putting up decorations on public property, meaning there are items the Village is allowed to put up, but if the Village feels it's not inclusive the Village has the discretion to not put up the decoration.

Some Village Board members explained the Village currently uses their discretion as there is not a policy in place. Some Village Board members asked for clarification if approved special events could have signs. Mr. Burkart explained the majority of special events are a one-day event and would be allowed to display for that day of the event. One Village Board member inquired about the policy doesn't state anything about the word religious. Mr. Burkart explained the word religious was removed at the recommendation of the Village Attorney based on the establishment clause. One Village Board member also commented some special events display signs ahead of the event and questioned if this policy would prevent all events from displaying ahead of time.

Attorney Bayer summarized saying this started with a very simple question, if we have a Christmas tree in the park, can we allow other religious entities to place something in the park? The answer is yes, but once you allow one item, you need to allow all of them; you need to allow for equal access for all. Attorney Bayer explained after reviewing this with the Human Relations Commission, the Human Relations Commission thought that one inclusive policy regulating what third parties can or cannot display was better suited for a standing committee of the Village Board. Attorney Bayer explained the Human Relations Commission recognizes that Christmas trees are secular, out of respect for public sentiment, they are requesting the Village Board to exercise their own judgement and not display the Christmas tree out of respect for those of other religions in the Village, it's best not to display anything at all. Attorney Bayer explained the Human Relations Commission is requesting the Village Board to not display the Christmas tree since there aren't going to be any other holiday or religious symbols displayed by the Village and to refer the larger issue of displays in public spaces to a standing committee of the Village Board.

Some Village Board members expressed the request should be higher level, not so specific on naming specific signs or symbols.

Mr. Burkart clarified, the Village is currently self-regulating what can be displayed and this would ask the Village staff to continue to that with the understanding that they try to uphold the spirit of the policy position statement. Mr. Burkart continued that if the Village Board refers the topic to a Standing Committee for a policy, that is where the more detailed discussion will take place. Mr. Burkart explained the reason why there is not a specific policy for the Village Board to take action on is based on the memo from Attorney Bayer (included in the packet) which incorporated other items into the policy that are not specifically holiday decorations and he made the recommendation to not have just a holiday decoration policy but one that incorporates other items such as signs, structures, etc. and the Human Relations Commission did not feel it was appropriate for that committee to develop a policy under that framework. Mr. Burkart explained they submitted a policy so the Village Board would understand the Human Relations Commission's position on holiday decorations and for the Village Board to work in a Standing Committee to develop the full policy.

Some Village Board members questioned if the Standing Committee would be reviewing the Village's special privilege policy because the support letter states nothing allowed in the public right of way. Attorney Bayer explained that would be a discussion at the Standing Committee; the Human Relations Commission is stating it is not their position to draft a global policy but would the Village use its discretion to not put lights on the tree at Atwater.

Some Village Board members expressed the Human Relations Commissions was asked to draft a recommended policy for the Village Board to consider; the Human Relations Commission ran into some complications with drafting that policy and the Village Board needs to decide if they want to go an additional step and create policies on both the holiday decorations and the lighting of the Christmas tree in Atwater Park. Some Village Board members shared the Christmas tree should not be lit for the current holiday season and the Village Board can review and decide if they want to draft a policy that further precludes the Village lighting a Christmas tree in the future.

Some Village Board members shared they do not agree with a volunteer committee developing a policy because that is a duty of the Village Board; the volunteer committees could give recommendations of items they would like included in the policy.

Some Village Board members shared they do not agree with the policy as it does not seem to be inclusive or show tolerance. The Village should be supportive of every religion and develop a permitting process or regulations allowing all religions an opportunity to express themselves on public property. Ms. Appel commented the Village would not be able to regulate the items being put up or displayed. Attorney Bayer clarified the Village would need to make sure there is enough space and permitting applications to allow for equal access; there are a lot of factors involved in a permitting process.

Tr. Maher moved, seconded by Tr. McKaig to authorize staff to not allow displays or decorations from any third parties on public property unless they are approved for a special event permit or a special privilege permit. Village Board discussion continued.

Some Village Board members questioned if current practice is to allow displays or decorations in the public right of way if the Village Board approves a special event or special privilege permit. Mr. Burkart explained yes, if there isn't a permit that's when the code enforcement would regulate that. Some Village Board members clarified that if an individual requested a religious display in the public right of way, this would authorize staff to say no. Mr. Griepentrog expressed the motion does not suggest the department cannot accept a special privilege application for the Village Board to consider; the planning department would process the application as normal and place it on a Village Board agenda for consideration. There is nothing in the motion that indicates staff would deny anything. Some Village Board members questioned if this is our current policy and if an individual was to file an application, what would the process be, what is the intent of the policy, and does this impact people who have a private party at a park. Ms. Briscoe explained this would put the policy in writing for everyone in the Village to know and understand, not just a practice. Some Village Board members questioned if the Village's ordinance relating to special privilege currently states something. Attorney Bayer explained there is a Village Code that prohibits third parties from affixing notices, posters and papers to municipal property. There is one that allows unlimited commercial displays in the public right of way directly in front of the adjoining business and there is a general policy stating the Village does not allow third parties to display anything that isn't directly associated with a Village event; this does not apply to special privilege or special event permits. Attorney Bayer explained as long as you don't discriminate in a manner in which special privilege or special event permits are granted, it does not become an establishment clause problem.

Some Village Board members suggested removing the special privilege permit option and allow for special events only.

Tr. Amenta moved to amend to remove "or a special privilege permit". Motion fails for lack of a second.

Some Village Board members questioned if the Village currently has anything specific you cannot affix something in the public right of way without a permit. Attorney Bayer explained there is language in the code, but there is not one centrally located policy. Historically, the only thing the Village has allowed in the public right of way are signs for Summer Sounds and the Farmers Market which are village sponsored events or with whom the village has a direct partnership.

John Frederick, 2608 E Newton Ave, Shorewood, 53211; asked for clarification on how third party and public property are defined and if this would affect displays in the classrooms at schools. Attorney Bayer explained public property is municipal property and third party is anyone that is not the village. The school is not considered in the policy.

Some Village Board members stressed they do not want unnecessary urgency to dictate how the Village Board legislates as a body and would like to defer this for further discussion.

Ms. Appel explained the Human Relations Commission does not feel it falls under their purview to make decisions on signage, what can go into the public right of way or what is a third party. The main concern and the ask of the Village Board is to take under consideration to choose not to light the Christmas tree this year independent of the policy.

Patricia Krieger, 1416 E. Lake Bluff Blvd, Shorewood, 53211; rather than embracing people, when people are offended, why do we feel we can't do anything or everything has to be taken away. I don't want the Village's first response to be "this isn't allowed or we can't do that." Ms. Krieger asked how will this affect our businesses if we can't embrace what is unique.

Deba Briscoe, 4516 N. Bartlett Ave., Shorewood, 53211; serves on the Human Relations Commission but is speaking as a resident. The Human Relations Commission has been working on this policy since January and after reviewing other municipalities, many of them have adopted a similar policy. She is asking this Village Board to take into consideration the individuals who do not have the majority voice. Ms. Briscoe stated, as much as we like to be inclusive of all, how often are we and can we be inclusive of all and not offend another? The question the Human Relations Commission tried to solve is how can we be inclusive and not offend others? The answer is to have nothing. Residents are allowed to display on their private property and share their religions with others, but the Village is not inclusive if deciding to display a Christmas tree.

The Village Board recessed at 9:09 p.m.

The Village Board reconvened at 9:19 p.m.

One Village Board member asked for clarification if the policy restricts an individual from having a small group at a park for a birthday party and displaying balloons. Attorney Bayer explained no, as long as it's not affixed to the ground.

Attorney Bayer clarified if the Village Board does not take action tonight, nothing would change. Mr. Burkart stated we would continue what we are currently doing for the 2019 holiday season.

Vote on Motion 1: to authorize staff to not allow displays or decorations from any third parties on public property unless they are approved for a special event permit or a special privilege permit. Motion carried 4 – 1 – 1 with President Rozek voting nay and Tr. Bockhorst abstaining.

Tr. McKaig moved, seconded by Tr. Amenta to authorize staff to use its discretion on putting up decorations on public property with an attempt to uphold the policy position stated in the Human

Relations Commission's letter. Tr. McKaig read the policy into the record:

Dear Village Board members,

We collaborated with the Village Attorney and staff on drafting an updated policy to address inquiries about holiday decorations on public property. The Human Relations Commission feels it is important to create a culture that is inclusive to all religions and beliefs. In addition, we want to be mindful of complying with the law when it comes to freedom of speech and the establishment clause as cited in Attorney Bayer's memorandum.

As a result, we propose an updated policy that allows for displays and decorations for special events but not allow semi-permanent displays and signs from third parties on public property or in the right-of-way. While the policy doesn't specifically touch on decorations put up directly by the Village, we encourage the Village to use its discretion to only put up secular decorations without a religious meaning that tend to be seasonal in nature. In addition, while Christmas trees have legally been declared secular, we the Human Relations Commission feel that in the case of the Christmas tree, the Village Board and staff should exercise its discretion to not put up lights on any tree that could constitute as a Christmas tree. Legal definitions do not always align with public sentiment, and we believe that to light an evergreen that could be interpreted as a Christmas tree while being legally obligated to disallow other religious symbols favors one religious tradition over others.

It is our understanding that all other decorations put up directly by the Village are more seasonal in nature (i.e. snowflakes in the business district). We continue to support events such as WinterFest that put up decorations on private property and make a concentrated effort celebrating all holidays. Thank you for the opportunity to review this policy matter.

Sincerely,

Human Relations Commission

Some Village Board members clarified if signs from third parties on public property as part of the recommendation, with reading the letter into the record, if a Village Board member votes yes, you would be supporting eliminating signs on public property. Attorney Bayer explained, his interpretation based upon the recommended language would be no; simply because it says it moving to authorize staff to use their discretion in putting up decorations on public property.

One Village Board member asked for clarification by virtue of this motion it is not saying the Village can or cannot, it's asking the Village to use its discretion on lighting the Christmas tree. Mr. Burkart explained that is accurate. Village Board discussion continued on the motion allowing staff to use discretion and an attempt to uphold the policy. Some Village Board members shared they felt this would put staff in a difficult position to make the determination on lighting the Christmas tree. Some Village Board members did not want to ban the practice of lighting the Christmas tree until a policy was approved.

Vote on motion 2: to authorize staff to use its discretion on putting up decorations on public property with an attempt to uphold the policy position stated in the Human Relations Commission's letter. Motion fails 3 – 3 with President Rozek, Tr. Bockhorst and Tr. Warren abstaining.

Tr. McKaig moved, seconded by Tr. Amenta for the Community and Business Relations Committee to develop a policy for Village Board consideration regulating signs, objects, and structures on public property and the right-of-way that addresses constitutional constraints. Motion carried 6 – 0.

Some Village Board members questioned if the Community and Business Relations Committee would have the policy reviewed and completed before the holiday season. Mr. Burkart explained there are two things that need to be reviewed, one the policy that talks about signs and objects which would include holiday decorations and Community and Business Relations would need to determine if the policy would be intended for just third parties or incorporate the Village as well.

Vote on motion 3: for the Community and Business Relations Committee to develop a policy for Village Board consideration regulating signs, objects, and structures on public property and the right-of-way that addresses constitutional constraints. Motion carried 6 – 0.

President Rozek moved to direct staff to continue lighting the tree at Atwater beach. Motion failed for lack of a second.

President Rozek requested if there is a motion that relates to the lighting of the Christmas tree, it should be made during this topic on the agenda.

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. – (9:48 p.m.) None
6. Consent Agenda Items (9:48 p.m.)
 - a. Accept presentation of Accounts – October 21, 2019
 - b. Consider Village Board Minutes – September 16, 2019 (Meeting 2, deferred from 10/7/19)
 - c. Consider Village Board Minutes – October 7, 2019
 - d. Consider weights and measures assessments for 2019.
 - e. Consider Application for Special Privilege for a retaining wall within the public right of way at 4481 N. Bartlett Ave.
 - f. Consider issuing RFP for the organizational analysis (Meeting 2, JP&L)
 - g. Update on zip car pilot program for stations in public parking lots (Meeting 2, C&BR)
 - h. Consider appointment of Ryan O'Connor to the Design Review Board.
 - i. Consider application for Special Privilege for temporary cooking within the public right of way at 4401 N. Oakland Ave.

Tr. Warren moved, seconded by Tr. Bockhorst to approve the consent agenda. Tr. Maher requested removing items 6e and 6i, Tr. Bockhorst requested removing item 6h from the consent agenda. Motion carried 6 – 0 with items 6e, 6h, and 6i removed.

7. Items Removed from the Consent Agenda (9:49 p.m.)

6e; Consider Application for Special Privilege for a retaining wall within the public right of way at 4481 N. Bartlett Ave.

Mr. Griepentrog explained the applicant has pulled her application. No action required.

6h; Consider appointment of Ryan O'Connor to the Design Review Board.

Tr. Bockhorst expressed apprehension that “no” was marked on the application where states are familiar duties and responsibilities of this office and have you attended any meetings of this entity. Tr. Maher explained the JP&L Committee reviewed all the applications and evaluated the skills needed for the committee. Mr. Griepentrog explained he has spoken with the candidate about the time commitment; he explained he is happy to serve and will already be coming to the Design Review Board meeting this Thursday.

Tr. Maher moved, seconded by Tr. Warren approval of Ryan O'Connor to the Design Review Board with a term expiring in May 2020. Motion carried 6 - 0

6i; Consider application for Special Privilege for temporary cooking within the public right of way at 4401 N. Oakland Ave.

Tr. Maher questioned where the cooking would be taking place. Mr. Griepentrog explained the applicant has been working with the Fire Department, Health Department and Planning

Department for approval. The Fire Department indicated they would not approve the burn permit as the selected location is less than 25 feet from a structure. The applicant is working to find an alternate location not included in packet. Attorney Bayer explained the approval is still for temporary cooking in the public right of way and is still consistent with the agenda item.

Tr. Amenta moved, seconded by President Rozek to approve an application for Special Privilege for temporary cooking within the public right of way at 4401 N. Oakland Ave. Motion carried 6 – 0.

8. Public Hearing(s) (10:05 p.m.) – None

9. New Business

- a. Consider Ordinance 3006 to update Chapter 275 Electrical Standards of the Village Code to correspond with the Wisconsin Department of Safety and Professional Services Chapter SPS 316. (Meeting 2, C&BR) (10:05 p.m.)

Tr. McKaig, chair of Community and Business Relations Committee explained this is a house keeping item.

Tr. McKaig moved, seconded by Tr. Maher to approve Ordinance 3006 to update Chapter 275 Electrical Standards of the Village Code to correspond with the Wisconsin Department of Safety and Professional Services Chapter SPS 316. Motion carried 6 – 0 by a roll call vote

- b. Consider Ordinance 3004 Repealing and Replacing Chapter 462 “Street Festivals,” of the Shorewood Municipal Code, otherwise referred to as the Special Events Policy. (C&BR, meeting 7). (10:06 p.m.)

President Rozek moved, seconded by Tr. Maher to defer consideration of Ordinance 3004 Repealing and Replacing Chapter 462 “Street Festivals,” of the Shorewood Municipal Code, otherwise referred to as the Special Events Policy until the next Village Board meeting. Motion carried 6 – 0.

10. Reports of Village Officials (10:07 p.m.)

a. Village President – None

b. Village Trustees –

Tr. Bockhorst chaired the meeting of Advisory Legislation Committee for League of Wisconsin Municipalities and there has been discussion on two different bills regarding extending closing hours for certain alcohol retailers during the Democratic National Convention.

Tr. McKaig expressed she is concerned with eliminating the pavement markings on Capitol Drive from the 2020 budget.

c. Village Manager – None

11. Items for future consideration (10:10 p.m.)

Tr. Amenta moved, seconded by Tr. McKaig to consider lights on the trees at Atwater Park for holiday lights for 2019 at the next Village Board meeting.

Clarification on if this needs to be brought to a Standing Committee before it is placed on a Village Board agenda was requested. Some Village Board members shared they would like to have the full Village Board present for a discussion on this topic as there will not be a policy in place by the time the 2019 holiday season starts. Village Board members prefer not to

reconsider items because some Village Board members may be missing as this sets a bad precedent. Other Village Board members shared they support the item as Mr. Burkart had stated if the Village Board does not provide direction, the trees will be lit in Atwater Park as they have in the past and the Village Board did not make an attempt to uphold a position that was provided from the Human Relations Commission. The Village Board was reminded that there was a motion made to light the trees at Atwater Park, but it failed for lack of a second. Some Village Board members questioned if this would be considered at the next Village Board meeting; Clerk Bruckman restated the motion. It was questioned if the motion could be considered if a similar one was previously made and failed for a lack of a second. Attorney Bayer clarified it's not a motion to reconsider as the motion failed, his recommendation is to take a vote on the current motion, as it was made, based upon chapter 155. Mr. Burkart stated as an alternative option this could be incorporated with the discussion at Community and Business Relations at their next meeting and have them consider a recommendation the Village Board could consider on November 18. Some Village Board members expressed concern about rushing into making a big decision, some Village Board members may not be ready to make big policy decisions but we are ready to rule on one specific holiday item. Some Village Board members expressed any decision that is made will be controversial and the decision that is made for 2019 does not bare on what the Community and Business Relations Committee decides for the future.

Tr. Maher moved, seconded by Tr. McKaig to call to question. Call to question fails 3 – 3 with President Rozek, Tr. Bockhorst, and Tr. Warren voting nay.

Vote on motion: to consider lights on the trees at Atwater Park for holiday lights for 2019 at the next Village Board meeting. Motion Failed 3 – 3 with President Rozek, Tr. Bockhorst and Tr. Warren voting nay.

12. Adjournment.

Tr. McKaig moved, seconded by Tr. Maher to adjourn at 10:25 p.m. Motion carried 6 - 0.

Respectfully submitted,

Sara Bruckman, CMC/WCMC
Village Clerk