

VILLAGE BOARD MEETING
Monday, November 1, 2021
Earl McGovern Board Room, 6:30 P.M.



AGENDA

PLEASE TAKE NOTICE that a meeting of the Brown Deer Village Board will be held at the Village Hall of the Village of Brown Deer, 4800 West Green Brook Drive, Brown Deer, Wisconsin at the above noted time and date, at which the following items of business will be discussed and possibly acted upon:

- I.** Roll Call
- II.** Pledge of Allegiance
- III.** Persons Desiring to be Heard
- IV.** **Elected Officials & Staff Reports – No Discussion or Actions will be Taken on Reports**
- V.** **Consent Agenda**
 - A) Consideration of Minutes: October 18, 2021 – Regular Meeting
- VI.** **New Business**
 - A) Review and Possible Action on Ordinance No. 21- An Ordinance to Repeal and Recreate Chapter 2, Article VIII, Division 3, Building Board
- VII.** Recess into Closed Session pursuant to Wis. Stat. §19.85(1)(e) and Wis. Stat. §19.85(1)(c) for the following reasons:
 - (c) To consider, employment, promotion, compensation, or performance valuation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.
- VIII.** Reconvene into Open Session for Possible Action on Closed Session Deliberations
 - 1. Review and Possible Action on request for additional compensation for Interim Chief Schmitz
- IX.** Adjournment

Susan Hudson, Interim Village Clerk
October 28, 2021

PERSONS REQUIRING SPECIAL ACCOMMODATIONS FOR ATTENDANCE AT THE MEETING SHOULD CONTACT THE VILLAGE CLERK AT LEAST ONE BUSINESS DAY PRIOR TO THE MEETING.



Dates: 11/1/2021

BOARD

Attended Budget Workshops

STAFF

Meeting with staff including interim manager during the transition per their request on different matters.

Toured the Village with Development Director as we explore future opportunities for development.

MEETINGS

Participating in the Brown Deer Police Academy program

Meeting with representatives from Creative Marketing regarding North/South transportation enhancement project

CONSTITUENTS

Continuing to facilitate calls and concerns from residents about various concerns within Brown Deer

Worked on recruiting Student for Special Events Committee

Recruiting new member for Finance Committee

Continue to welcome new home owners to Brown Deer

Volunteered with residents and UW-Milwaukee students for a community clean-up with "Because We Care"

EVENTS

OTHER

Proposal to update ordinance regarding Building Board composition.

Sharing concerns regarding redistricting proposals.

Wanda Montgomery
Village of Brown Deer President

I voted against Mr. Owens to fill the vacant trustee seat on the Brown Deer Village Board, based on four independent but similar complaints about his behavior during a Plan Commission meeting. Mr. Owens got overly worked up about minutia - typos and small errors that in no way effected the business of oversight being conducted during the meeting nor the plans in front of the committee. Mr. Owens reprimanded staff for minor typos and reprimanded a Brown Deer business owner appearing before the committee for an small error in his presentation materials.

I stated that I also observed, personally, this same overly critical behavior in a Finance and Public Works meeting. Since I voiced my concerns to Mr. Owens in the Village Board meeting, yet another individual has come forward to corroborate the same poor public treatment of others by Mr. Owens, using very harsh words that I won't repeat here.

During the Board meeting while interviewing candidates to fill the vacant trustee seat, I asked Mr. Owens to clarify what had happened. I asked, "What do you see as your relationship to staff as a trustee?" I was hoping for him to express some understanding that staff and the Village Board are united in purpose, to offer even one word about working together for the good of Brown Deer. I heard nothing of the sort. Instead, Mr. Owens doubled-down on his demand for absolute perfection and suggested that his behavior would continue.

Our professional staff, the people who actually run Brown Deer, has already been gutted by the majority of this board. Of the employees who remain, all have taken on extra duties and are under significant pressure to take up the slack left by these important professional vacancies. We are having a difficult time finding people who are even interested in working for Brown Deer because of how poorly this Board has treated staff and how troubled and divided this community has become. A citizen volunteer on a committee, which Mr. Owens was at the time, has no authority to reprimand or discipline staff. Even a trustee, which Mr. Owens is now, has no authority to reprimand or discipline staff according to our charter ordinances. That responsibility falls solely to the village manager. If someone has something to say about a staff member or their performance, they need to make an appeal to the village manager.

Also, criticizing a business owner harshly and publicly does not encourage people to want to bring their businesses to Brown Deer. It works against what we should all want to achieve, which is to present a welcoming demeanor to businesses - to benefit our local economy and to benefit our property taxes.

Our job as trustees is *oversight* - making big-picture decisions and establishing a good direction for the village, not using small errors to justify berating staff or business owners in order to establish dominance.

President Montgomery has threatened me via email, in writing, that if I didn't apologize to Mr. Owens and rescind my vote against him that she would play the race card. This happened *after* Mr. Owens was already voted in as a trustee by the Board, with a vote of 4-2. Stirring up racial discontent has been Wanda's only idea as president in Brown Deer. Brown Deer has always been a successfully racially diverse community, long before Wanda moved here to use this community to launch her political career.

My criticisms and concerns about Mr. Owens attitude and lack of understanding are genuine. No matter what race he is, I would still have significant doubts about his appointment to the Board because of his demonstrated poor treatment of others. I would also have given any candidate in Mr. Owens position the same opportunity to satisfy my concerns, which Mr. Owens did not do.

Wanda Montgomery's "Statement of Concern," included in the October 18, 2021 Village Board packet, is manipulative, insulting and evidence of the desperation of a failing leader. It is shallow thinking to condemn all criticism as being racially motivated, as Wanda has done, although it does serve to further divide this community, which Wanda clearly thinks works in her favor. But I think, on the other hand, that most community members of all races, see the obvious self-serving motives behind Wanda's words and actions.

In all things I do as a trustee, I vote for the good of Brown Deer. I stand by my vote and no apology will be forthcoming. However, I will include Wanda Montgomery's threats and attempts at political coercion in my upcoming ethics complaint to the State of Wisconsin.

October 25, 2021

- Drafted an amendment to the Building Board code section that will allow for a stipend for all professional members and removed the Trustee requirement from the committee
- Published the new floodplain zoning ordinance adoption in the North Shore Now
- Worked with a broker and interested tenant on the application process for zoning use approval at 8759 N. Deerwood Drive. A custom print shop is looking at locating in the space.
- Staff continued to work with We Energies to develop and quote an extension to the Original Village street light system as part of the creation of Community Square and the additional portion of Deerbrook Trail.
- New signs for Urban Beets and the Community Square beer garden were approved by the Building Board.
- Inspection staff continues to work with Café Corazon on permitting approvals and inspections.
- Inspection staff investigated 8200 N. Teutonia Avenue following up on information from the North Shore Fire Department about additional damage and security concerns from a recent fire. Staff is determining the extent of damage as it relates to raze/repair orders.

PARK AND RECREATION DEPARTMENT UPDATE

10.27.21

Director continues oversight of all the recreation programs.

The fall Brown Deer Youth Soccer season comes to an end on Sunday, October 31. Restroom at Fairy Chasm will close for the season on November 1. Director is coordinating with public works staff to complete the winterization of the restrooms.

The Pond Building, Chemical Building and Village Park restroom facilities have been winterized for the winter months.

Director continues to finalize the program offerings for the winter/spring program guide that is apart of the Our Brown Deer magazine.

Director has begun to enter Winter/Spring program information into CIVICREC along with updating the 2022 facility reservation calendars.

Park and Recreation Committee is scheduled to meet on Tuesday, November 2.



MANAGER REPORT

October 27, 2021

OPERATIONAL STATUS:

Normal operations have resumed following CDC and North Shore Health Department COVID- 19 guidance.

NOTEWORTHY EVENTS:

Chief Nimmer attended a listening session on September 27th, 2021. These listening sessions serve as a way for citizens to engage in conversations with Department personnel providing us with insight into concerns and issues residents may have on crime or policing in their community.

The Brown Deer Police Department started its Citizen's Academy that meets every Tuesday from October 26th through November 16th, 2021. Attendees will learn about police investigations, vehicle contacts, defense and arrest tactics, firearms, drone operations and experience several police related scenarios. The goal of the Citizen's Academy is to provide an open line of dialog between citizens and police and a better understanding of police tactics and interactions.

The Department participated in National Drug Take Back Day on October 24th and has a permanent prescription drug drop off container located in the lobby of the Police Department. On October 25th, the Department in cooperation with the DEA properly disposed of 97 pounds of unused, unwanted, or old medications. This service assists in keeping these drugs from being taken by others and contaminating ground water and the environment.

On October 21st officers were dispatched to the 4900 block of W. Spring Ln. for a report of shots fired. Upon officers' arrival they found a man suffering from several gun shot wounds. Officers attempted life saving measures, however the victim was pronounced deceased at the scene. Witnesses immediately reported the suspect had fled on foot, prompting the call by police for area schools to secure in place while officers and K-9s conducted a search for the suspect. Eventually it was determined that the suspect was no longer in the area and no longer a threat to the general populace. Brown Deer Police Investigators and the Crime Lab responded to secure search warrants, process the scene, conduct interviews, and canvas the neighborhood. On October 25th the Department made an arrest in the case. The suspect, a 22-year-old male is in custody and awaiting charging by the Milwaukee County District Attorney's Office.

On October 25th, the Village experience a rash of vehicle break ins. In total, over 70 vehicles were entered and rummaged through after actors smashed the vehicles' side window to gain entry. The Department has learned that this was not an isolated incident and other locations such as Froedtert Hospital and the Pettit National Ice Center were targeted by these same actors. The Department is in the process of meeting with area business owners and leaders to discuss possible solutions to deterring and apprehending criminal offenders.

TRAINING:

The Brown Deer Police Department conducted its annual rifle and less lethal outdoor certification and training.



MANAGER REPORT

Officers Wandaogo and Bertschy attended a two-day Intoximeter Operators training. The training certifies officers in the operation of state owned intoximeters used to measure Breath Alcohol Levels on intoxicated drivers.

PERSONNEL:

The Department is currently down seven officers due to three officer resignations, two members on light duty due to an on-duty injury or maternity status and two officers out on administrative leave.

The Department currently is conducting background investigations on two police candidates who still would need to attend the police academy beginning in January 2022. The Department is also actively trying to recruit police recruits from the current academies and will be opening another recruiting process within the next week.

**BROWN DEER VILLAGE BOARD
OCTOBER 18 2021 MEETING MINUTES
EARL MCGOVERN BOARD ROOM, 6:30 P.M.**

The meeting was called to order by President Montgomery at 6:30 P.M.

I. Roll Call

Present: Village President Montgomery; Trustees: Baker, Booker, Quirk, Siegrist, Spencer (by Zoom)

Also, Present: John Fuchs, Village Attorney; Chris Swartz, Interim Village Manager, Susan Hudson, Treasurer/Comptroller/Interim Clerk, Police Chief Nimmer

II. Persons Desiring to be Heard –

John Buckley 9454 Wood Circle, objected to both the content and tone of President Montgomery's "Statement of Concern"

Jacqueline Sharlein, 695 N Brookfield Rd, spoken on behalf of Grandson Trevor Plahmer
Erik Sharlein 9011 N Park Plaza Ct, will speak on behalf on nephew during new business

III. Elected Officials & Staff Reports – No Discussion or Actions will be taken on reports.

Trustee Quirk's letter will be added to the next board agenda packet

IV. Consent Agenda

- A) Consideration of Minutes: October 4, 2021 – Regular Meeting
- B) Purchase of three marked police vehicles

It was moved by Trustee Spencer and seconded by Trustee Siegrist to approve the consent agenda. The motion carried unanimously.

V. New Business

- A) Continuation of Hearing on an appeal to the sex offender residency requirements for property at 9011 N Park Plaza Court

It was moved by President Montgomery and seconded by Trustee Booker to grant the variance for residency requirements. The motions carried unanimously.

- B) Budget Presentation – Dispatch Center
- C) Budget Presentation – North Shore Fire Department and Update on Firehouse No 82
- D) Budget Presentation – North Shore Health Department

No Action Item

- E) Discussion and Possible Action on Appointment of Village Clerk

Interim Village Manager Chris Swartz recommended to the Board to hire Caren Brustmann

It was moved by President Montgomery and seconded by Trustee Quirk to approve hiring Caren Brustmann as the next Village Clerk. The motion carried unanimously.

- F) Resolution No. 21-, “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”

It was moved by Trustee Baker and seconded by Trustee Booker to approve the Resolution “In the Matter of Authorizing an Exception to the Levy Limits for Charges for the North Shore Fire Dept”. The motion carried unanimously

- G) Resolution No. 21-, “A Resolution Approving the 2020 North Shore Fire Department Fees for Service Schedule”

It was moved by Trustee Baker and seconded by Trustee Siegrist to approve the Resolution “2020 North Shore Fire Department Fees for Service Schedule”. The motion carried unanimously

- H) Review and Possible Action Ordinance No. 21- An Ordinance to Repeal and Recreate Chapter 109, Article VII, Floodplain Zoning of the Brown Deer Village Code

It was moved by Trustee Owens and seconded by Trustee Baker to approve the Ordinance “To Repeal and Recreate chapter 109, Article VII, Floodplain Zoning of Brown Deer Village Code”. The motion carried unanimously

- I) Review and Possible Action on a development agreement with “I am the Great, I am Learning Center:

It was moved by Trustee and seconded by Trustee to approve the development agreement with “I am the Great, I am Learning center”. The motion carried unanimously

- J) Review and Possible Action on request for additional compensation for Interim Chief Schmitz

It was moved by President Montgomery and seconded by Trustee Owens to lay-over for more supporting documentation. The motion carried unanimously

- K) Review and Possible Action on appointment to Special Event Committee

It was moved by Trustee Siegrist and seconded by Trustee Owens to approve the alternative to the Special Events Committee. The motion carried unanimously

- L) Discussion and Possible Action on Trustee Committee assignments

It was moved by Trustee Spencer and seconded by Trustee Booker to approve the new Trustee Committee assignments. The motion carried unanimously

VI. Adjournment

It was moved by President Montgomery to adjourn at 8:45 p.m.

s/ Susan Hudson

Susan Hudson
Interim Village Clerk

**An Ordinance to Repeal and Recreate Chapter 2,
Article VIII, Division 3, Building Board**

Ordinance No. 21 - _____

~~WHEREAS, t~~The Village Board of the Village of Brown Deer does ordain that Chapter 2, Article VIII, Division 3 is hereby repealed and recreated as follows:

Sec. 2-501. - Creation.

The building board is hereby created.

Sec. 2-502. - Composition.

The building board shall consist of five members, three of whom shall be architects, ~~engineers, or building engineers, building~~ designers or similar professionals. At least two members of the building board shall be ~~v~~Village residents.

Sec. 2-503. - Appointments.

Appointments to the building board shall be made by the ~~v~~Village ~~p~~President annually in April, subject to approval by the ~~trustees, Village Board~~.

Sec. 2-504. - Terms.

The terms of a member shall be for two years, with two terms expiring in even-numbered years, and three terms expiring in odd-numbered years.

Sec. 2-505. - Officers.

The ~~e~~Chairman of the building board shall be appointed annually in April by the vVillage pPresident by majority vote of the Building Board.

Sec. 2-506. - Jurisdiction and functions.

(a) No building permit for any structure for which a building permit is required, except in the case of minor modifications as deemed by the ~~Brown Deer Building Inspector~~Village Manager or his designee, shall be issued unless it has been found as a fact by the ~~b~~Building ~~b~~Board.

(b) In any given block, buildings of identical or substantially identical construction shall not be built or erected unless they are separated by at least two lots or parcels of land of sufficient dimensions to constitute two building sites. Buildings of identical or substantially identical construction shall not be built or erected on one side of the street or road if a building of identical or substantially identical construction has already been built or erected or is in the process of being built or erected less than two lots or parcels of land of sufficient dimensions to constitute two building sites from an extension of the proposed building site on the other side of the street or road.

(c) All applications for building permits relating to construction of buildings other than single-family or two-family detached residence buildings, garages and accessory buildings or additions thereto shall be ~~accomplished accompanied~~ by a copy of a colored rendering of the proposed buildings. ~~The copy of the colored rendering shall become the property of the village~~. Additional information, such as exterior material samples, color samples and/or photographs, shall also be provided at the request of the ~~b~~Building ~~b~~Board. ~~The Building Board~~It shall ~~be competent for the building board to~~ consider such colored rendering in making its determination. No future alterations to exterior colors shall be allowed without proper submittal and approval by the building board.

(d) The Building Board may require deviations from other codified aesthetic standards in order to effectuate good design.

~~(d) In addition to the jurisdiction and functions of the building board previously set forth, the building board is hereby designated as the agency for the issuance of solar access permits pursuant to Wis. Stats. § 66.043. Solar access permits shall be issued or withheld by the building board in accordance with the provisions of said statute. No person, firm, or corporation shall install or maintain a solar collector without first obtaining a solar access permit in accordance with Wis. Stats. § 66.043.~~

Sec. 2-507. - Meetings.

The ~~b~~Building ~~b~~Board shall meet on a regular basis as established by the Village Board whenever ~~the building inspector requests a meeting to consider~~ applications for building permits which ~~he has found~~ comply in all respects with all other ordinances of the ~~v~~Village, warrant consideration as deemed by the Village Manager or his designee. The ~~b~~Building ~~b~~Board may, if it desires, hear the applicant for the building permit in question and/or the owner of the lot on which it is proposed to erect the structure in question, together with any other persons, whether residents or property owners desiring to be heard, giving such notice of the hearing as it may deem sufficient. ~~Such hearing may be adjourned from time to time, but not for more than 48 hours, and within 48 hours after the close of the hearing, the building board shall, in writing, make or refuse to make the finding required and file it in the office of the village clerk, who shall send a copy of it to the building inspector.~~

Sec. 2-508. - Right of appeal.

On an appeal to the ~~b~~Board of ~~a~~Appeals, in the absence of proof to the contrary adduced before the board of appeals, a refusal to grant a building permit because of refusal of the building board to make the finding of fact required by ~~s~~Section 2-506 shall be deemed to be based upon facts supporting the conclusion that the exterior architectural appeal and functional plan of the proposed structure for which a building permit was refused would, when erected, be so at variance with the exterior architectural appeal and functional plan of structures already constructed, or in the course of construction in the immediate neighborhood, as to cause a substantial depreciation in the property values of said neighborhood.

Sec. 2-509. - Compensation.

The members of the ~~b~~Building ~~b~~Board possessing relevant professional credentials, ~~with the exception of the citizen member and the village board member~~, shall be compensated as established by the ~~v~~Village.

Secs. 2-510—2-524. - Reserved.

Wanda Montgomery, Village President

Susan Hudson, Interim Village Clerk