

BROWN DEER VILLAGE BOARD
JULY 15, 2019 MEETING MINUTES AMENDED
HELD AT THE BROWN DEER VILLAGE HALL
4800 WEST GREEN BROOK DRIVE

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, Spencer, Springman, Wedward

Also, Present: Michael Hall, Village Manager; Jill Kenda-Lubetski, Village Clerk; Erin Hirn, Assistant Village Manager; John Fuchs, Village Attorney; Susan Hudson, Village Treasurer; Matthew Maederer, Public Works Director; Nate Piotrowski, Community Services Director

II. Pledge of Allegiance

III. Persons Desiring to be Heard

Erin Epping, 9267 North Fairy Chasm Lane, stated she supports a Village Trustee being a member of the Library Board; however, she does not support increasing the number of members or changing the terms. She also requested that the list of Committees/Commissions/Boards be posted on the Village's website.

President Montgomery welcomed Renee Booker as the newly appointed Village Trustee. She also welcomed back Gary Springman who was also appointed Village Trustee. Both gentlemen were appointed at the July 1, 2019 Village Board meeting.

IV. Consent Agenda

- A) Consideration of Minutes: June 17, 2019 – Regular Meeting
Consideration of Minutes: July 1, 2019 – Regular Meeting
- B) May 2019 Financial Report
- C) Consideration of June 2019 Vouchers
- D) Resolution No. 19-, “A Resolution Establishing a 2020 Census Partnership”
- E) Approve Permanent Conditional Use at 5960 W. Brown Deer Road for a Dry-Cleaning Establishment
- F) Approve Permanent Conditional Use at 5712 W. Fairy Chasm Road for a Cellular Tower, Antennas, and Equipment Shelter
- G) Approve Permanent Conditional Development Agreement Amendment for Cousins Subs, 5191 West Brown Deer Road

It was moved by Trustee Quirk and seconded by Trustee Spencer to approve the consent agenda items, amending the July 1, 2019 regular meeting minutes, as noted. The motion carried.

Trustee Baker had two questions regarding the financial statements.

Trustee Springman stated he will abstain from voting for the June and July meeting minutes.

Trustee Booker commented that the financial statements were very thorough and detailed.

V. New Business

- A) **Approve A Conditional Use Permit for High Tech Assembly and Warehousing at 7649 N. Teutonia Ave.**

The Village received a request for a Conditional Use Permit for the former Sterling True Value hardware store, that has been vacant for four plus years. The business, Power Wash Store, is a producer and supplier of commercial power washers. The owner is proposing to keep the property the same, with some interior remodeling, including modifying the signage and offices along with customer service in the front of the building, with a warehouse in the back of the building. Hours of operation are Monday through Friday from 8:00 a.m. to 5:00 p.m., with 10-15 employees. Mr. Piotrowski stated this was presented to the Plan Commission and received unanimous approval. There were no comments received at the public hearing.

It was moved by Trustee Springman and seconded by Trustee Quirk to approve the Conditional Use Permit for High Tech Assembly and Warehousing at 7649 North Teutonia Avenue. The motion carried unanimously.

B) Presentation by Kapur & Associates on Options for Brown Deer Rd. and Green Bay Rd. Reconstruction

Mr. Maederer and Mr. Piotrowski stated this is FOR INFORMATIONAL PURPOSES ONLY! No decisions are being made at this meeting. Kurt from Kapur & Associates was in attendance to introduce a preliminary presentation regarding the streetscape reconstruction project. The project will need to obtain all the appropriate approvals from the various committees and boards prior to starting.

There are two projects: 1) the Green Bay Road corridor (the bridge will be coming down) in 2022; and, 2) the railroad tracks west to 92nd Street in the City of Milwaukee in 2021. There will be controlled light intersections located at 51st Street, 60th Street, 64th Street, 66th Street and 68th Street. There will not be any controlled lights at County Line Road. The North Shore Fire Department will also have a light that they will control for emergency exits.

A discussion ensued regarding lighting, landscaping, signage, maintenance, concrete colors, adding a lighting district, costs, public informational meetings. This is a \$3.25 million project.

Mr. Maederer confirmed there will be no red concrete as it eventually turns pink, the colors being considered are more earth tones and will complement the school district and new Department of Public Works building.

The light posts will be black in color and should last up to 30 years. The wish list is a guesstimate of 75-100 lights on Brown Deer Road.

Tiffany Gilmore, 4615 West Parkland Avenue, inquired if the intersection where the trucking groups are will have lighting and requested to not have flower beds similar to what are on Brown Deer Road in Bayside/Fox Point as they are in disrepair at all times and do not look nice/good.

Jacqueline Haessly 9418 North Green Bay Road, Apt. 166, asked if any consideration was given to have solar panel speed limit signage that she has seen in other communities and also small wind turbines. Mr. Maederer responded that the state is not looking at either at this time.

Dale Gass, 8573 North 54th Street, opined he supports utilizing colored concrete. He is very familiar with it and it is good in the summer/hot months and winter/cold months as well as for safety reasons.

C) Ordinance No. 19-, “An Ordinance Amending Sec. 2-548 of the Brown Deer Village Code Regarding the Library Board”

Trustee Booker stated he could support five (5) or seven (7) members but not six (6).

Trustee Quirk questioned why the change in terms? President Montgomery stated former Trustee Schilz

had proposed it at a meeting. Trustee Quirk opined that this sets a bad precedent and questioned if the Board will be making adjustments all the time?

Trustee Booker stated that it is a privilege to serve on a committee and you are expected to show up for every meeting. If you cannot attend the meetings, step down so a new individual can be appointed.

Trustee Wedward is against term limits, especially one-year. She also asked if anyone checked with the Library Board and Library staff regarding these proposed changes?

Trustee Springman said he would consider expanding the number of members if Bayside or River Hills would join our library. He said then a member from each community should be represented on the Library Board.

It was moved by Trustee Quirk and seconded by Trustee Wedward to keep the terms of service for three (3) years, keep membership at five (5), have a Village Trustee serve on the Board, and the liaison school district representative does not need to be a resident of Brown Deer.”. The motion carried unanimously.

D) Trustee Committee/Commission/Board Assignments

President Montgomery stated she heard from one individual regarding assignments and is proposing the committee/commission/board assignments and chair designations, as identified in her memo that was dated July 9, 2019 and included in the packet.

It was moved by President Montgomery and seconded by Trustee Springman to approve the Trustee Committee/Commission/Board Assignments identified in her July 9, 2019 Request for Consideration. The motion was withdrawn.

Trustee Springman inquired if Trustee Quirk was the Chairperson for the Beautification Committee.

Trustee Springman stated he would prefer not to be appointed to the Water Commission. He said he believes an appointment to this commission should be an individual that has water utility experience. Trustee Quirk stated the Village has many residents that work at Badger Meter and we should seek some of them out for consideration of a possible appointment.

Mr. Hall stated that the Community Development Authority (CDA) recently lost several key members and the majority, if not all, members are new with no experience on a CDA. Trustee Baker offered to serve on the CDA and surrender his appointment on the Personnel Committee.

It was moved by President Montgomery and seconded by Trustee Springman to approve the Trustee Committee/Commission/Board Assignments identified in her July 9, 2019 Request for Consideration, with the noted changes. The motion carried unanimously.

Trustee Baker opined that some type of attendance policy should be established.

E) Selection of Committee/Commission/Board Chairperson

Refer to Item V(D) which identifies the Chairperson.

F) Town Hall Meeting for 2019

Mr. Hall reported that there were too many conflicts with the month of September to schedule a Town Hall meeting; October is budget workshop month with the addition of two or three additional Village Board budget workshop meetings; November is budget month plus Thanksgiving, and December is extremely

difficult with the holidays and weather.

Trustee Quirk stated she supports Town Hall meetings but does not believe we should host a meeting unless we have something to share with the community.

Trustee Booker stated he believes we should have a Town Hall meeting as there is a lot going on in the community that the public needs to know about and we should consider scheduling a meeting annually. He also said he believes we owe it to the people.

President Montgomery would like to establish a date that would be an annual meeting that the residents knew was held every year at the same time.

Mr. Hall stated he did not want to host a meeting that was a question/answer session of staff. He stated that was 90% of the Town Hall meeting that was held in 2018. He supports hosting Town Hall meetings when there is something significant that needs to be shared.

Attorney Fuchs stated we have a “town hall” meeting twice a month when we have a Village Board meeting.

Trustee Wedward opined that she supports Town Hall meetings but believes there needs to be flexibility on when and how often the meetings are held.

It was moved by President Montgomery and seconded by Trustee Booker to try to host a Town Hall meeting in 2019 and establish a meeting date for 2020 that would also be held annually. The motion failed 3-4, with Trustees Baker, Quirk, Springman and Wedward opposed.

G) Discussion of Recording Village Board Meetings

President Montgomery stated she researched the recording of Village Board meetings and live-streaming via Facebook and they are acceptable, not a violation or illegal. Attorney Fuchs agreed with President Montgomery’s statement but said the problem is when “comments” are added on the Facebook post.

Trustee ~~Cook~~ Quirk stated she was blocked and is still blocked from President Montgomery’s Facebook page. Trustees Wedward and Baker stated they are also blocked. President Montgomery stated she blocked certain individuals in January, when she was campaigning for Village President, due to negative comments that were being posted. Trustees Quirk and Baker both stated there were some erroneous information posted and they could not get onto the post to clarify and/or correct due to being blocked. **Trustees Wedward, Baker and Springman confirmed that they did not say anything negative or derogatory about Wanda Montgomery during her campaign for Village President on Facebook.**

Attorney Fuchs stated the ultimate way to record meetings is via television on public access channels. This way the municipality records, controls and makes it available to all interested parties. However, Attorney Fuchs stressed that it is very expensive and prolongs the meetings. Trustee Booker agreed with prolonging the meetings. Trustee Spencer inquired if there could be an area on the agenda for an individual to announce they are recording the meeting? Attorney Fuchs stated the media will usually announce and identify themselves, prior to the start, when they are recording.

Tiffany Gilmore, 4615 West Parkland Avenue, stated the recording is to assume positive intent and to be available for those residents that cannot attend meetings.

Ms. Hirn stated we record the audio portion of our meeting and questioned if we could make this available for the residents to listen to. Attorney Fuchs advised against it as the Village has no control to edit.

H) Discussion of Policy for Filling Open Seats on the Village Board

President Montgomery stated that this is the third time in 60 years that the Village Board has had to fill an open seat. It was the consensus to retain the historical data on file that was utilized from these most recent vacancies, along with the data from 2011.

D) Discussion on Making Martin Luther King Jr. Day an Official Holiday in the Village of Brown Deer

President Montgomery stated that Martin Luther King Jr. Day is always the third Monday in January. This is also the second Village Board meeting date for the month. She said it would not be possible for her to attend a Village Board meeting on that evening as she is very engaged all day with Martin Luther King, Jr. activities and events. She would like to entertain the idea of closing Village Hall on this day.

This is a federal holiday and all state, Milwaukee County and City of Milwaukee offices are closed that day. Mr. Hall stated that no other North Shore communities are closed on that day. Trustees Baker and Springman stated, in the past, the Village Board meeting would be cancelled and rescheduled to another date. It is proposed to close the Village Hall and Department of Public Works, with essential services still functioning and operational. There would be no fiscal impact.

Trustee Springman questioned how he, as a taxpayer, will benefit with the Village Hall closed that day. He also opined that he worked in the private sector and he must report to work that day.

It was moved by President Montgomery and seconded by Trustee Baker to make Martin Luther King Jr., Day an official holiday in the Village of Brown Deer and a Village Board meeting not be scheduled for that day. The motion carried unanimously.

It was moved by Trustee Quirk and seconded by Trustee Wedward that the Village Hall and Department of Public Works be closed, with the exception of essential services, on the third Monday of January, also known as, Martin Luther King Jr., Day. The motion carried, with Trustee Springman opposed.

VI. Village Presidents Report

President Montgomery said to refer to her report included in the packet dated July 15, 2019, which summarized her activities and included more detailed information.

- Attended the installation of Dr. Deb Kerr as the President of the The School Superintendents Association in Washington D.C., last week.
- The ICC (Intergovernmental Cooperation Council) will not be meeting in August.
- The North Shore Fire Department Board of Directors cancelled their July meeting.

VII. Village Committee Reports

Trustee Quirk shared the names and addresses of the second round of landscape award winners:

- Catherine and Jesse Kuester, 8604 North 43rd Street
- Therese Thompson, 8082 North Cedarburg Road
- Daniel Fosticz, 8084 North 53rd Street
- Timothy Gohr, 9323 North 67th Street

She also wanted to publicly thank the Brown Deer Woman's Club for the \$100 donation.

VIII. Manager's Report

Mr. Hall reported:

- The auditors will be attending the second Village Board meeting in August (19th).
- CIP approval will be presented at the first Village Board meeting in October (7th).

- Two budget workshops will be scheduled in the month of October. A Doodle poll will be generated to establish the best dates.

IX. Recess into Closed Session pursuant to §19.85(1) (g) (e) Wisconsin Statutes for the following reasons:

(g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.

(e) Deliberating or negotiating the purchasing or public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.

1. Land Acquisitions and Eminent Domain in Tax Increment District (TID) #4

It was moved by Trustee Wedward and seconded by Trustee Quirk to recess into closed session at 8:51 p.m. The motion carried unanimously.

X. Reconvene into Open Session for Possible Action on Closed Session Deliberations

It was moved by Trustee Quirk and seconded by Trustee Booker to reconvene into open session at 9:35 p.m. The motion carried unanimously.

It was moved by Trustee Quirk and seconded by Trustee Baker to authorize the use of eminent domain to acquire the four properties in the original Village contemplated to be employed for a public square in bounded by North 43rd Street and North Deerwood Drive. The motion carried unanimously.

XI. Adjournment

It was moved by Trustee Wedward and seconded by Trustee Springman to adjourn at 9:37 p.m. The motion carried unanimously.

Jill Kenda-Lubetski, Village Clerk