

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
September 19, 2016**

CALL TO ORDER: The meeting was called to order at 7:00 p.m. by President Wolter.

ROLL CALL: President Wolter, Trustees Campbell, Hughes, Miller, Myers, Warren and Zabel. Absent and excused: Trustees Baum & Kaminski. (Trustee Baum arrived at 8:25 p.m.) Also present: Attorney Sajdak, DPW Director Ratayczak, CDD/Planner Retzlaff, Fire Chief Weiss and Clerk Goeckner

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESIDENT'S REPORT: Thanked Fire Chief and his Department for the well-presented September 11th Memorial. Fire Chief Weiss presented award and appreciation for Captain Bobbie Asmundy for response to emergency and personal assistance to pilot at Moving Wall who experienced PTSD reaction during emergency.

ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST/COMMITTEE REPORTS: Trustees announced upcoming meetings and events.

CITIZEN INPUT/PUBLIC APPEARANCE on items not subject to a public hearing:

Dale Schult, spoke on behalf of Vietnam Moving Wall committee and expressed sincere appreciation to Village and all departments for helping to make the project a well-received event and nothing but praise for how it was run. Unbelievable success.

Judy Kacharik – W179N11651 Augusta Ct - Opposed to development

Charlene Brady - N109W16620 Hawthorne Dr. – Opposed to development

Trustee Hughes – Requested explanation of what a reconsideration is or would be. Attorney Sajdak said if a motion to reconsider would be made tonight there would solely be discussion if there will be a vote. If there is a motion and a vote to reconsider the reconsideration itself will take place at the next meeting. The vote tonight would be for whether to bring it forth on the next agenda. Your vote tonight is not whether you are for it or against it. That motion would have to be done during new business.

Charles Evans – W179N11420 Blackstone Circle – Opposed to development

CONSENT AGENDA:

A. Approval of Village Board Minutes: August 15, 2016 Regular Village Board Meeting and August 29, 2016 Special Village Board Meeting

B. Accounts payable/payroll

1.	August 25, 2016	Accounts Payable	\$231,738.21
2.	August 31, 2016	Payroll (salary)	\$ 96,364.45
3.	August 2016	Accounts Payable	\$ 74,790.76
4.	September 6, 2016	Payroll (hourly)	\$220,044.15
5.	September 10, 2016	Accounts Payable	\$537,032.56
6.	September 15, 2016	Payroll (salary)	\$ 82,896.84

C. Operator Licenses: September 20, 2016 to June 30, 2017: [Recommended Approval]

Tamika R. Flinn, Jamie L. McDonah; Kristal R. Schlegel; Patricia J. Vogel

MOTION (Miller/Warren) to approve Consent Agenda Items A-C. Trustee Zabel requested to pull August 29th Special Village Board meeting minutes. **Approval of items A-C minus August 29th minutes, by roll call vote, carried.**

UNFINISHED BUSINESS: None

PUBLIC HEARINGS – 7:00 P.M. OR LATER: *The purpose of said hearing(s) is to hear any and all parties, their attorneys or agents, for or against the application(s) filed by the petitioner(s).*

- A. Skyline Development Corp., Agent and Petitioner for DBH 1031 LLC, (Sports Specialists of Milwaukee Inc.), to Amend Conditional Use Permit No. 04-16, to Revise the Amount of Land mitigation for Development Activities Within a 25' Wetland and 75' Navigable Waterway Setback on the Property located at N104 W13885 Donges Bay Road (Tax Key No. GTNV 362-981, pursuant to Section 24.04(3) of the Municipal Code;
Community Development Director Retzlaff presented information on this request.
President Wolter opened the Public Hearing at 7:38 p.m.
No one spoke regarding this application.
President Wolter closed the Public Hearing at 7:39 p.m.
- B. Village of Germantown Community Development Department for Petition for Proposed Text Amendments to the following sections of the Zoning Code (Chapter 17) of the Village of Germantown Municipal Code: 17.07 (General Provisions); 17.08 (Definitions); 17.42 (Conditional Uses); 17.43 (Site Plan Approval Requirements); 17.48 (Non-Conforming Uses, Structures and Lots); 17.51 (Changes and Amendments; and 17.56 (Wireless Communication Facilities)
Community Development Director Retzlaff presented information on the proposed amendments to the Zoning Code. Does include Section 17.42(10) (Late-Night Outdoor Entertainment). Village Board directed Attorney Sajdak to draft the amendment to address business owner requests for outside premises and times allowed. Plan Commission made changes to that ordinance and recommended removing language of limiting the time to 10:00 p.m. CDD Retzlaff further explained the remaining text amendments.
President Wolter opened the Public Hearing at 7:48 p.m.
The following persons spoke against amending Section 17.42(10) Late-Night Outdoor Entertainment:
Carrie Schuster – N116W15881 Main Street
Nancy Litzow – N116W15925 Main Street
Jeff Litzow – N116W15925 Main Street
President Wolter closed the Public Hearing at 8:01 p.m.

NEW BUSINESS:

MOTION (Wolter/Hughes) to put forward a vote for a reconsideration of the August 29, 2016 Village Board item regarding Presbyterian Homes of WI Inc., Applicant and Agent for Germantown Commerce Center LLC and Romano & Schmitt LLC, Property Owners, N112W17300 Mequon Road.

Discussion of which of the two items would be reconsidered since they never acted on the second item for conditions and restrictions. Attorney Sajdak stated both would be up for reconsideration. President Wolter stated he didn't think the item was given a proper venting and debate, in fairness to the developer. Further explanation of the reconsideration.

Discussion on the proposed amendments to PDD and a proposed PILOT agreement. **By roll call vote, 4 yes, 3 no (Campbell, Myers, Zabel), carried.**

NEW BUSINESS continued:

A. CONDITIONAL USE PERMIT:

Skyline Development Corp., Agent for Sports Specialists of Milwaukee Inc., Property Owner of N104W13885 Donges Bay Road (Tax Key No. GTNV 362-981); Request to Amend Conditional Use Permit No. 04-16 to Adopt Changes to the Wetland & Navigable Waterway Setback Mitigation Plan

MOTION (Hughes/Warren) to approve the Conditional Use Permit as presented, conditional upon us finalizing the easement discussed. Discussion of other property ownership and easement being worked on. **Carried.**

B. ORDINANCE AMENDMENTS:

1. **ZONING ORDINANCE:** Village of Germantown Community Development Department, Text Amendments to Various Sections of the Zoning Code (Chapter 17) of the Village of Germantown Municipal Code
(Trustee Baum arrived at 8:25 p.m.)

MOTION (Myers/Miller) to take items #1 – #3 each separately, carried.

MOTION (Hughes/Warren) to start with item #3 and go back to item #1 as listed on the slide. Carried. (Zabel opposed)

Section 17.43(7) MOTION (Miller/Myers) to approve as presented.

Discussion of approval by Village Board or Plan Commission for site plans.

MOTION (Zabel/Hughes) to amend the motion that final site plan review and approval for multi-family zoning districts, be done by the Village Board.

Discussion of why only for multi-family zoning districts, should also be residential.

Attorney Sajdak: Read State Statute 62.23, sets out makeup of Plan Commission and their duties. In his experience, governing board in Village having final review authority is rare. Further discussion on why specific to Multi-Family and not all and process followed. **3 in favor, 5 opposed (Baum, Miller, Myers, Warren, Wolter), motion to amend fails.**

Original motion, carried.

Section 17.43(6) MOTION Miller/Baum to approve amendment #2 as presented. Discussion of addressing any changes or requirements and process required. **Carried.**

Section 17.42(10) MOTION (Baum/Hughes) to approve as presented.

Discussion of changes by Plan Commission; 10:00 p.m. time limit pulled so all criteria would be subject to discussion with Village, not specific on one item. This gives option to negotiate items through CUP program based on each situation and specifics. Still have same outside premises requirements but they would need to get a Conditional Use Permit with public hearing and Village Board approval. An amendment to proposed amendment under B, I would remove 'business' and leave 'restaurant' and add 'or tavern' to keep it consistent. Plan Commission contemplated this. **MOTION (Baum/Miller) to amend the motion to have restaurant or tavern there instead of business, under item 'B', carried.** Further discussion regarding zoning and B-3 having a residential component with tenants above the businesses. **MOTION (Zabel) to remove B-3 from this ordinance.** Discussion of the reasoning and need to make business apply and deal with the specific review process. Cost of CUP currently \$1,400.

NEW BUSINESS continued:

Could consider allowing them to apply and get their fee back if they were denied, less any time and costs spent – return the balance. Call for a second to the motion. **Motion fails for lack of a second.** Further discussion: Who is notified when application submitted; resident in Main Street area wants it to residents further out than 300'; could be extended as it has been for other items in past; current notice was agenda item only; item 'c' put in by Public Safety and removed by Plan Commission – already stated in definitions in code. **MOTION (Wolter/Warren) to amend to postpone this item to more publicly announce this change in ordinance, to next Village Board meeting, regarding newspapers or any other vehicle so chosen to allow opportunity for more people.** Discussion of other avenues for notice. Can be postponed further than next meeting since outside season is ending. Could happen in November or December. Could also make a motion to amend to push it back into Public Safety. **MOTION (Baum/Warren) amendment to the amendment to move it back to Public Safety and go to two meetings out.** Discussion. **Amendment to amendment carried. Amendment to motion, carried.**

2. ****PUBLIC PEACE AND GOOD ORDER ORDINANCE: Village of Germantown Amendment to Provide for Extended Hours for Certain Late-Night Outdoor Entertainment Uses by Conditional Use Permit Within the Village (Section 9.07(2)(b) of the Village of Germantown Municipal Code****
MOTION (Hughes/Baum) to table, carried.

C. **Amendment to Saxony Village Development Agreement to Allow for Phasing of Construction**

Presented by DPW Director Ratayczak. Developer has requested to amend as shown in your packet. Original Developer Agreement approved and then reviewed by our attorney. Gehl's contribution of funds for sanitary sewer relay will be going through Saxony Village and we must have two agreements. Developer has approval from Plan Commission to do site in two phases of construction. Two changes: Section 1.03 ability for development agreements between Gehl's and Developer and Gehl's and Village. Second change approved at August 15th meeting to do the project in two phases. Allows DPW access to this site. Would restrict access for way to travel in and out of site. **MOTION (Baum/Warren) to approve.** Discussion of #1.03 and process/path of developer in project, meeting requirement, what happens if they don't come to a conclusion, costs if changes are denied, looking at changes in plan to reduce costs. **MOTION (Zabel) to amend to eliminate 'by November 30th, 2016' from 1.03, don't put a date on it. Motion fails for lack of a second. Original motion carried. (Zabel opposed)**

ADJOURNMENT

There being no further business, the meeting adjourned at 9:40 p.m.

Barbara K. D. Goeckner MMC/WCPC
Village Clerk