

VILLAGE OF THIENSVILLE
BOARD OF TRUSTEES
MINUTES

DATE: Monday, May 18, 2020

LOCATION: 250 Elm Street
Thiensville, WI

TIME: 6:00 PM

Join Zoom Meeting

<https://us02web.zoom.us/j/83817428497?pwd=YmxQem9DVGW5tQnFIWGtIZWlVUnBjQT09>

Meeting ID: 838 1742 8497

Password: 301007

+1 929 205 6099 US

+1 301 715 8592 US

+1 312 626 6799 US

Anyone wishing to speak during the Public Hearing must register with Amy L. Langlois, Village Clerk at alanglois@village.thiensville.wi.us or at 262-242-3720 by 4:30 PM on Monday, May 18, 2020. If you would like to submit a letter, please submit by 4:30 PM on Monday, May 18, 2020.

I. CALL TO ORDER

President Mobley called the meeting to order at 6:00 PM.

II. ROLL CALL

President:	Van Mobley	
Trustees:	Jennifer Abraham	Rob Holyoke
	Samuel Azinger	Kenneth Kucharski
	Kristina Eckert (arr. 6:02 PM)	David Lange
Administrator:	Colleen Landisch-Hansen	
Attorney:	Tim Schoonenberg	
Village Planner:	Jon Censky	
Staff:	Police Chief Curt Kleppin	
	Director of Community Services/Public Works Andy LaFond	
	Village Clerk/Deputy Treasurer Amy Langlois	

III. PLEDGE OF ALLEGIANCE

Trustee Lange led the recitation of the Pledge of Allegiance.

IV. PUBLIC HEARING

- A. THIS REQUEST IS TO REZONE THE PARCELS LOCATED AT 266-286 NORTH MAIN STREET AND 217-239 GREEN BAY ROAD FROM B-2 SHOPPING CENTER BUSINESS DISTRICT AND R-4 MULTIPLE FAMILY RESIDENTIAL DISTRICT TO R-5

MULTIPLE FAMILY RESIDENCE DISTRICT, B-4 HIGHWAY BUSINESS DISTRICT AND PLANNED DEVELOPMENT OVERLAY (PDO) DISTRICT.

1. Motion to open Public Hearing

MOTION by Trustee Lange, **SECONDED** by Trustee Kucharski to open the Public Hearing at 6:02 PM. **MOTION CARRIED UNANIMOUSLY.**

2. Administrator to explain Notice of Public Hearing

Administrator Landisch-Hansen explained the Notice of the Public Hearing. The Hearing is to rezone the properties located at 266-286 North Main Street and 217-239 Green Bay Road from B-2 Shopping Center Business District and R-4 Multiple Family Residential District to R-5 Multiple Family Residence District, B-4 Highway Business District and Planned Development Overlay (PDO) District.

The Ullrich's own this property and are looking to have a mixed-use development which will include multi-family and two commercial buildings.

3. Comments from anyone present requesting to be heard

No comments from anyone present.

4. Administrator reads any correspondence received related to the request

Administrator Landisch-Hansen shared three correspondence received regarding this request:

Anthony Gulotta, 12306 North Woodfield Court – Mr. Gulotta called by phone and then sent an email to be shared at the Public Hearing. Mr. Gulotta expressed concern regarding the number of one-bedroom units with only 800 approximate square feet of space as well as the garage size of 1.7 cars with shared usage. Mr. Gulotta believes giving the community a better feel of what will be on the space would be helpful i.e. what the development will look like, are there basements, what is the exterior construction, number of windows, type of siding, etc. Mr. Gulotta also questioned if there was any business use proposed in the development. Mr. Gulotta resides in the City of Mequon and also owns a condo in Thiensville at Village Estates for his son. Mr. Gulotta is not against the development.

Samuel Cutler, 250 Green Bay Road – Mr. Cutler submitted an email for the Board's consideration. Mr. Cutler asked the Board to reacquaint themselves with the intent of the current zoning ordinance and referenced the following: 1) to regulate the size and location of all structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation and drainage; 2) to regulate parking, loading and access so as to lessen congestion in and promote the safety and efficiency of streets; and 3) to preserve and enhance the community's history, heritage and character. Mr. Cutler believes the proposed zoning flies directly in the face of these objectives and are promulgated for the benefit of the developer. Mr. Cutler also stated that "the wisdom of a previous Board, Plan Commission and planning staff in zoning this area R4 and B2 is apparent. Their commitment to preserve and enhance the community's history, heritage and character was a primary concern." Mr. Cutler asked that the Board not betray their legacy and does not support the proposed zoning.

Judy Sengbusch – 217 Green Bay Road #A – Ms. Sengbusch submitted three questions by email: 1) how may one review the entire feasibility study; 2) when and where will the proposed detailed plans and specifications be available for review; and 3) it appears seventeen of the existing striped, surface parking stalls for Bonnywell Village will be moved. Are the sixteen new spaces shown west of the existing 15 car garage exclusively for Bonnywell Village residents? Ms. Sengbusch also stated that at the Public Hearing on January 21, 2019 she questioned if Bonnywell Village would lose any parking.

The response was there would be no loss of parking and further that the residents of the new development would be using the parking garage and not the surface stalls. Ms. Sengbusch questions the practicality of that assumption.

5. Comments from the Village Board

Trustee Azinger appreciate the input from Mr. Gulotta, Mr. Cutler and Ms. Sengbusch and stated that it is important to consider the history of this lot. It has been vacant for at least 20 years. Trustee Azinger appreciates that the developer has kept the Board apprised of their intentions and trusts that the Plan Commission will review the building materials carefully before final development plans are approved. Noted was that the one-bedroom units in the City of Mequon have been leased out more than the two- and three-bedroom units showing demand for single units. Trustee Azinger believes that this project should move forward, does not have any substantial objections and looks forward to this area being developed.

B. MOTION TO CLOSE PUBLIC HEARING

MOTION by Trustee Lange, **SECONDED** by Trustee Abraham to Close the Public Hearing at 6:14 PM. **MOTION CARRIED UNANIMOUSLY.**

CONSENT AGENDA

Upon request of any Trustee, any item may be removed from the Consent Agenda for special consideration.

V. APPROVAL OF MINUTES

- A. Board of Trustees**
 - 1. April 20, 2020

- B. Special Board of Trustees**
 - 1. April 28, 2020
 - 2. May 4, 2020

VI. DEPARTMENT REPORTS (Receipt)

- A. Department Reports (Receipt)**
 - 1. Fire Department
 - a. 1st Qtr Fire Report
 - 2. Police Department
 - a. April Police, 2020
 - 3. Public Works Department
 - a. April DPW, 2020 (not available)

VII. COMMITTEE REPORTS

- A. Committee of the Whole**
 - 1. May 4, 2020

VIII. REPORTS AND COMMUNICATIONS

- A. **Historic Preservation Commission**
 - 1. March 11, 2020

- B. **Mequon-Thiensville Bike and Pedestrian Way Commission**
 - 1. March 5, 2020 (not available)

- C. **Milwaukee River Advisory Committee**
 - 1. January 15, 2020 (not available)

- D. **Plan Commission**
 - 1. April 14, 2020

- E. **Capital Expenditures**

MOTION by Trustee Azinger, **SECONDED** by Trustee Lange to approve the Consent Agenda. **MOTION CARRIED UNANIMOUSLY.**

BUSINESS AGENDA

IX. FINANCIAL REPORTS AND ACCOUNTS PAYABLE

- A. **Accounts Payable for All Funds**
 - 1. **Accounts Payable**
 - a. April 20, 2020 through May 15, 2020

MOTION by Trustee Kucharski, **SECONDED** by Trustee Holyoke to approve the April 20, 2020 through May 15, 2020 Accounts Payable in the Amount of \$654,693.04. **MOTION CARRIED UNANIMOUSLY.**

- 2. **Financial Report (Receipt)**
 - a. April, 2020

The Financial Report was received.

X. PRESIDENT'S REPORT

- A. **Appointments**
 - 1. **Class B Beer and Class B Liquor**
 - a. cheel, llc, Matthew Buerosse, Agent, 105 South Main Street
 - b. Chuck's Place, Theodore Hagen, Agent, 406 North Main Street
 - c. T&G Thiensville, Inc., Vasilike Triantafillouw, Agent, 517 North Main Street
 - 2. **Class B Beer and Class B Wine**
 - a. Thiensville Fire Department, Inc., John Kukla, Agent, 250 Elm Street
 - 3. **Class B Beer and Class C Wine**
 - a. DK Enterprises DBA Downtown Pizza, Daryl Kranich, Agent, 227 South Main Street

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MOTION by Trustee Kucharski, **SECONDED** by Trustee Eckert approve the following: Class B Beer and Class B Liquor: cheel, llc, Matthew Buerosse, Agent, 105 South Main Street, Chuck's Place, Theodore Hagen, Agent, 406 North Main Street, T&G Thiensville, Inc., Vasilike Triantafillou, Agent, 517 North Main Street; Class B Beer and Class B Wine: Thiensville Fire Department, Inc., John Kukla, Agent, 250 Elm Street; and Class B Beer and Class C Wine: DK Enterprises DBA Downtown Pizza, Daryl Kranich, Agent, 227 South Main Street. **MOTION CARRIED UNANIMOUSLY.**

4. **Skippy's Burger Bar Licenses:**
 - a. **Class B Beer and Class B Liquor**
 - b. **Amusement License**
 - c. **Operator's Licenses – Renew**
Cassie Marie Haugen, Brett Thomas Kucharski, Katherine Linda Kucharski, Kenneth Charles Kucharski, Melissa Lee Kuehn, Alexander John Tarantino

MOTION by Trustee Lange, **SECONDED** by Trustee Azinger to approve the following Skippy's Burger Bar Licenses: Class B Beer and Class B Liquor, Amusement License and Operator's Licenses – Renew for: Cassie Marie Haugen, Brett Thomas Kucharski, Katherine Linda Kucharski, Kenneth Charles Kucharski, Melissa Lee Kuehn and Alexander John Tarantino.

Ayes: Trustees Abraham, Azinger, Eckert, Holyoke, Lange and President Mobley
Naes: None
Abstain: Trustee Kucharski
MOTION CARRIED.

5. **Temporary Class B Beer and Class B Wine**
 - a. Thiensville Business Association: Thiensville Village Market: Tuesdays, June 23, 2020 through October 13, 2020; Traveling Truck Tour: June 18, July 16, August 20 and September 10, 2020; Best Dam Blues Fest: September 19-20, 2020; and Nightmare on Elm Street: October 29, 2020
 - b. **AMENDED** Thiensville-Mequon Lions Club, Lionfest, August 6, 7, 8 and 9, 2020

Regarding the Traveling Food Truck Tour on June 18th, the Thiensville Business Association will make a decision the first week of June whether to cancel or go ahead with the event as planned. Robert Kos, Thiensville Business Association, stated that of all the Traveling Food Truck events around the area, about half are keeping their June events and the other half are cancelling and starting in July.

The Village Market will open on Tuesday, June 23, 2020, keeping in mind the CDC guidelines for both vendors and participants to keep everyone safe.

MOTION by Trustee Lange, **SECONDED** by Trustee Eckert to approve Temporary Class B Beer and Class B Wine for Thiensville Business Association: Thiensville Village Market: Tuesdays, June 23, 2020 through October 13, 2020; Traveling Truck Tour: June 18, July 16, August 20 and September 10, 2020; Best Dam Blues Fest: September 19-20, 2020; and Nightmare on Elm Street: October 29, 2020; and **AMENDED** Thiensville-Mequon Lions Club, Lionfest, August 6, 7, 8 and 9, 2020. **MOTION CARRIED UNANIMOUSLY.**

6. **Operator License – New**
 - a. **Remington's River Inn**
Anders Jason Dowd
7. **Operator's Licenses – Renewal**
 - a. **Chuck's Place**
Heidi Marie Anderson

- b. **Shully's Cuisine & Events**
Lizbeth Ann Leder-Shein
- c. **Thiensville Business Association**
Robert Kos
- d. **Walgreen Co.**
Steven Jacob Jacomet

MOTION by Trustee Kucharski, **SECONDED** by Trustee Abraham to approve the following: Operator License – New: Remington's River Inn: Anders Jason Dowd; Operator's Licenses – Renewal: Chuck's Place: Heidi Marie Anderson; Shully's Cuisine & Events: Lizbeth Ann Leder-Shein; Thiensville Business Association: Robert Kos; and Walgreen Co.: Steven Jacob Jacomet. **MOTION CARRIED UNANIMOUSLY.**

- e. **glaze, llc**
Heather Anne Albrecht, Philip Gerald Eckert, Skye Fisher Marach

MOTION by Trustee Kucharski, **SECONDED** by Trustee Azinger to approve the following Operator's Licenses – Renew for glaze, llc: Heather Anne Albrecht, Philip Gerald Eckert and Skye Fisher Marach.

Ayes: Trustees Abraham, Azinger, Holyoke, Kucharski, Lange and President Mobley
Naes: None
Abstain: Trustee Eckert

MOTION CARRIED.

- 8. **Cigarette License**
 - a. Thiensville Mobil, 301 North Main Street

MOTION by Trustee Abraham, **SECONDED** by Trustee Lange to approve the Cigarette License for Thiensville Mobil, 301 North Main Street. **MOTION CARRIED UNANIMOUSLY.**

- 9. **Application for Parade Permit or Street Closing**
 - a. Family Fun Before the 4th on Saturday, June 27, 2020 from 10:00 AM to 1:00 PM, Main Street to Freistadt Road, Freistadt Road to Green Bay Road, Green Bay Road to Riverview Drive, Riverview Drive to Elm Street

President Mobley stated his favorite thing about the Fourth of July is that it celebrates America, its great values, traditions and rights, and nothing is more important than the first amendment which states that congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof or infringing the freedom of speech or of the press or the right of the people peaceably to assembly and to petition the government for redress of grievances. Peaceable assembly can also be to simply celebrate our rights and freedoms – and that is what Family Fun Before the 4th signifies.

MOTION by Trustee Lange, **SECONDED** by Trustee Eckert to approve Application for Parade Permit or Street Closing for Family Fun Before the 4th on Saturday, June 27, 2020 from 10:00 AM to 1:00 PM, Main Street to Freistadt Road, Freistadt Road to Green Bay Road, Green Bay Road to Riverview Drive, Riverview Drive to Elm Street. **MOTION CARRIED UNANIMOUSLY.**

XI. ADMINISTRATOR'S REPORT

A. Department Reports
1. Administrator's Report

Administrator Landisch-Hansen informed the Board that Board of Review is scheduled for Wednesday, May 20, 2020 from 12:00 PM to 2:00 PM.

The Village Hall is open to the public and still encourages social distancing practices offering services virtually for residents not comfortable coming in.

During the Plan Commission meeting last Tuesday, Director of Community Services/Public Works Andy LaFond presented temporary business measures to add some flexibility for businesses as they weather this Covid-19 storm. Some of this flexibility includes requests for banners, tents, signage, extending outdoor seating areas as well as other items i.e. Two Tails added some outdoor fencing to help social distancing when dropping off and picking up pets. Approvals are conditional until September and will be reviewed at that time.

Administrator Landisch-Hansen has been looking into setting up some sort of small business loan program to assist local businesses financially impacted by closures due to the Governor's emergency order. The Village's cash on hand is budgeted and planned for. Administrator Landisch-Hansen considered using funds reserved for the Promenade and reached out to inquire if plans were moving forward with the Mequon-Thiensville Promenade. Ms. Pukaite confirmed that the Mequon-Thiensville Promenade is scheduled to begin construction on June 29th. The committee is willing to wait to receive the Village's \$50,000 until the first quarter of 2021. Administrator Landisch-Hansen believes these funds should be used for the Promenade as scheduled.

Trustee Lange suggested splitting the amount and using half for a loan program and the other half for the Promenade if that would help.

Concern was expressed about how far \$50,000 would actually go to help businesses and the amount of time to create a loan program. Trustee Eckert agreed that \$50,000 is not a lot of money with the amount of businesses in Thiensville. There may not be much to go around and how to decide who gets what may be challenging.

Trustee Azinger likes the idea of small business loans and suggested that possibly the Village may be in the position to borrow money to give out low interest loans. Trustee Azinger would like to pursue looking into this. If Village small businesses close, this will impact the Village as a whole.

Administrator Landisch-Hansen will continue to explore options for small business loans.

In regards to agenda preparation, it was requested to have agenda items with attachments to Village Clerk Amy Langlois by close of business on Wednesdays in order to meet publication deadlines. Understandably, emergencies do come up and every effort will be made to honor those requests.

Incoming revenues include \$2,389.66 for the cell tower lease, \$2,229.65 for CARES Act – US DHS Provider Relief and \$1,853.76 for first quarter 2020 franchise fees from Wisconsin Bell.

Trustee Holyoke expressed concern regarding the safety of children on the playground. Administrator Landisch-Hansen did contact the CEO of the League of Wisconsin Municipalities Mutual Insurance to see if there were any concerns regarding public facilities. It was shared that as long as there is no county or state order that is violated, there is no risk to the Village's liability.

Trustee Holyoke is concerned about the safety of the children and supports some signage and/or portable washing stations.

Trustee Lange supports hand-washing stations as well and also stated that parents will ultimately decide what is best for their children.

Trustee Eckert agreed with Trustee Lange. Parents will do what they are comfortable with.

Trustee Azinger supports some kind of hand-washing station to make it more accessible.

Trustee Abraham's concern about hand-washing stations is that they becomes dirty.

Trustee Holyoke reminded the Board that this pandemic is far from over. President Mobley believes that children are less likely to be seriously impacted by the Coronavirus than older people. President Mobley would like to hear more about the feasibility of hand-washing stations as well.

Administrator Landisch-Hansen and Director LaFond will look into hand-washing stations to be placed in Village Park.

2. Building Inspection Department (Receipt)
 - a. April, 2020 Report

The Building Inspection Report was received.

XII. ATTORNEY'S REPORT

No Attorney's Report.

XIII. COMMITTEE REPORTS

- A. Discussion and review of Washington Ozaukee Public Health Department's Blueprint for Reopening Ozaukee and Washington Counties and approval of Resolution 2020-07 A Resolution Imposing Rules and Guidelines for Safely Opening and Conducting Business and Social Gatherings in the Village of Thiensville (Trustee Holyoke and Trustee Azinger)

Trustee Holyoke stated that the Washington Ozaukee Public Health Department has created a blueprint for reopening to go into effect when the Safer at Home orders were lifted. Now that that orders have been lifted, they are encouraging all communities to voluntarily adopt all the provisions in the blueprint. This is not an order, only a guideline. Trustee Holyoke stated that what businesses do is totally up to them.

Trustee Azinger believes that the Village needs regulations in place for reopening businesses. Trustee Azinger supports reopening, however, believes that the Board has a responsibility to the residents to keep them safe and does not feel it unreasonable to put restrictions in place in order to ensure that businesses are opening in the appropriate, responsible manner. Trustee Azinger believes it would be responsible to put rules in place that would require businesses to have certain processes and procedures in effect while they are open including tables at 6 feet apart, using tents, ensure that their employees are not spreading the disease by taking temperatures and wearing masks if within 6 feet of patrons, constant sanitation of door handles, faucets, tables, chairs and anything on the tables, single use paper menus and replacing used ketchup and salt and pepper shakers. Instituting these measures would give the ability to go to an establishment and enforce these regulations for the safety of all. Trustee Azinger does not support gatherings of more than 50 people and that in-person retail restrictions should be put in place with not more than 5 people in their establishment at any one time, staying 6 feet apart and employees wearing masks. Salons should be regulated as well requiring employees to wear a mask. Trustee Azinger believes that regulations for bars may be difficult to enforce. As far as playground equipment, it is

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important for children to play but they can spread the disease quickly. Trustee Azinger suggested having the DPW sanitize the playground equipment every night.

Trustee Azinger is by no means trying to interfere with business owners to do business in Thiensville, however, feels strongly about having restrictions to keep establishments, residents and patrons safe. It is the responsibility of the Board to keep residents safe.

President Mobley stated that the CDC indicated that each community is unique and appropriate mediation strategies vary. Doing what everyone else does is not correct nor should it be considered to be correct. The most recent CDC guidelines are to be followed "if feasible." President Mobley also stated that the Village of Thiensville has done a tremendous job and credits the people of Thiensville for their good sense during this crisis and for their love and caring for one another in the community. President Mobley has nothing but the highest praise for Village staff who has worked above and beyond during these circumstances. As far as the restaurateurs here in the Village, some of the best in the entire state, they know more about keeping their customers safe than do a lot of the people that have developed some of these guidelines. President Mobley is not in favor of adopting a great deal of rules and regulations.

Administrator Landisch-Hansen expressed concern regarding other communities that had issued a restrictive order and then rescinded it within 24 hours of issuance. The legality as well as enforcement is a concern. Some of the area communities that had issued an order and rescinded it include Kenosha, Manitowok, Outagamie, Winnebago, Brown, Calumet, Appleton, Cudahay, Superior and Menasha. Trustee Holyoke believes that this may be because they issued penalties and were not sure if this was constitutional.

Trustee Eckert questioned Trustee's Azinger's comments and believes that even though Trustee Azinger stated he does not want to interfere with people's ability to do business, that he is by putting these restrictions on them.

Trustee Lange is all for people looking at guidelines and believes the restaurateurs and bar owners are going to do a great job of making sure that people are safe. Trustee Lange is not excited about the possibility of Thiensville somehow regulating business operations and stated that every individual has a choice as to do what they are comfortable with and does not want to be the one telling people what they can and cannot do.

Trustee Abraham referenced Mayor Wirth's proclamation indicating specific dates that businesses can resume and questioned how these dates were determined. Trustee Abraham believes that our small businesses have more control over their operations often times more than larger franchises and it appears they are all being very conscientious and listening to their professional organizations.

Administrator Landisch-Hansen stated that the Washington Ozaukee County Blueprint for Reopening she received was only a draft and tried to get a final copy but was told that the only documentation they are providing now are the FAQ's, which is a supplement to the blueprint. It was stressed that these are only guidelines and that this is an ever-changing document. Administrator Landisch-Hansen has concerns about adopting a document that is ever-changing and has already changed since last Friday.

Trustee Eckert stated that as a business owner, she knows best how to run her business, how to keep her employees safe as well as her customers and will make the smartest decisions for her community and staff and trusts the other businesses are doing the same.

As a business owner, Trustee Kucharski respects the opinions of the Board, however, disagrees with regulations from the Village and is following the Washington Ozaukee County Health Department guidelines as well as the Wisconsin Economic Development Corporation guidelines. Trustee Kucharski also stated that at Skippy's areas are taped off for where stools have to stay and believes he is being more restrictive than the guidelines. It is also important for business owners to be responsible and enforce social distancing and does not believe it is the Police Department's responsibility.

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Trustee Kucharski also stated that if people feel uncomfortable going out, then they certainly have the right to stay at home until they feel comfortable and strongly recommends businesses to follow these guidelines.

President Mobley stated that the blueprint before us is a draft and should not be adopted and suggested revisiting this in June. President Mobley also encourages businesses to work with the Washington Ozaukee Public Health Department.

Trustee Abraham inquired if the Police Department or the Village Hall has received any calls regarding potential violations. Chief of Police Kleppin stated that only about 5-6 calls have been received in March.

Trustee Azinger has contacted area businesses to inquire as to what regulations they are putting in place in order to make sure customers are safe. Trustee Azinger is not recommending regulating responsible owners, but does have concerns about people congregating in masses at the Park or businesses not taking precautions and the Village having no ability to control this. Trustee Azinger's concern are those businesses not operating responsibly and that is why he believes that regulations should be put in place for enforcement prior to businesses opening up.

President Mobley stressed that there is no document before the Board to adopt nor has one been presented. The blueprint from the Washington Ozaukee County Health Department is a draft and links to an order that has been stricken down by the Wisconsin Supreme Court. President Mobley is not in favor of adopting a draft of a blueprint that links to an unlawful order.

MOTION by Trustee Holyoke, **SECONDED** by Trustee Azinger to approve the Latest Edition of the Washington Ozaukee Public Health Department's Blueprint for Reopening Ozaukee and Washington Counties as a Guidebook for Businesses to be Safe.

Attorney Tim Schoonenberg stated that as a whole, Trustee Holyoke may want to amend his motion. Attorney Schoonenberg stated there are four phases, one of which would require the Village to step in and be Health Inspector.

In lieu of the motion, Trustee Holyoke suggested having copies of blueprint available for businesses looking for guidance.

Administrator Landisch-Hansen suggested using the Village Voice to communicate this information.

Trustee Holyoke rescinded his motion due to this document being a fluid document at this time.

Trustee Azinger believes it important that the Village Board go on record to have businesses follow the latest version of the guidelines from the Washington Ozaukee Public Health Department and establish procedures for reopening businesses. Attorney Schoonenberg questioned what that means due to the different phases in the guidelines.

Trustee Kucharski shared that restaurants are inspected by the County two times per year. Trustee Eckert reiterated that businesses are doing above and beyond of what is required because they want to be safe and believes in our community as well as other business owners.

President Mobley stated that Administrator Landisch-Hansen will make these guidelines available.

- B.** Review and approval of Ordinance No. 2020-03 An Ordinance Rezoning the Property Located at 266-286 North Main Street and 217-227 Green Bay Road in the Village of Thiensville from R-4 Multiple Family Residential and B-2 Shopping Center District to R-5 Multiple Family District and B-4 Highway Business District and (PDO) Planned Development Overlay

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Trish Ullrich and Margarite Jennings Beach, NexJenn Real Estate, were in attendance by Zoom as well as the architect team Eppstein Uhen Architects. Ms. Ullrich's father has been involved with this property since 1966, and his father built the original shopping center that was on the site. About 20 years ago her father and partner built the current Walgreens and took the shopping center down. The property has been vacant for about 20 years.

NexJenn Real Estate has been working with Epstein Uhen Architects on a mixed use development. The core building is roughly 14,000 square feet of commercial space and has 89 residential units with 132 parking spaces and 89 below ground parking spaces for the residential units. The character of Thiensville has very much been the focus. This development is a community centered development with green space and meeting space for residents as well as those surrounding residents. Ms. Ullrich believes this development could be wonderful for Thiensville.

Greg Zastros, Eppstein Uhen, shared details of the project. The five existing lots will be placed under a Planned Development Overlay (PDO), 7,945 acres in total which will include 89 apartments in a three-story building and will also include 14,000 square feet of retail space. Requested is rezoning from B-2 and R-4 to R-5 and B-4. The 89 units, including the 25 existing units equate to less than 15 units per acre which is less than the 22 units per acre PDO max. There will be public water and sewer and storm and does not believe there will be any increase in storm runoff. They are looking at containing the stormwater in underground tanks using permeable paver surfaces where able to accomplish this. Higher-end design specs are planned – using a lot of stone reflecting the character of the history of Thiensville.

The development also includes about 3,000 square feet of common area which includes a club house, fitness center, entertainment features such as indoor and outdoor fireplaces and walking paths along the site. Requested variance is a 15 foot setback from Freistadt Road, 5 foot setback from Main Street and a 53 foot maximum height to the ridge. The height of 53 feet will allow for 9 foot ceilings in the apartments as well as concealing the a/c equipment on the roof. The roof will complement the history of the Village.

T.J. Morley, Eppstein Uhen, shared images capturing the character and design intent of the project. The retail buildings are brought up to the sidewalk on North Main Street with parking behind. The multi-family is placed to the rear of the lot – this is a “U” shaped building with the center serving as the common area. The architecture has strong roof forms and a composition of stone, wood, glass and steel.

The underground parking yields 89 parking stalls and is accessed off Green Bay Road. The multi-family residences will have balconies.

Around the retail building, a number of public spaces will be incorporated to enhance the retail experience as well as for the public on Main Street.

Trustee Lange inquired as to what type of retail will be potentially offered. Ms. Ullrich stated that they are reaching out to potential tenants but with the project a couple years away, marketing will pick up when the project is approved.

Village Planner Jon Censky stated that B-2 is the Shopping Center District and B-4 is the Highway Business District and in reviewing the uses, it was believed that B-4 will better suit this project. Many of the uses are very similar between the two districts. Trustee Abraham does not feel the need to change this zoning. Director Andy LaFond shared that B-2 has a long list of allowable business uses and B-4 allows all uses permitted in B-2 as well as motels and motor hotels, building supply stores excluding lumber yards, automotive, aircraft and marine sales and service, restaurants, including restaurants with drive in and drive through lanes, convenience food stores and interior decorator/design stores.

Planner Censky stated that the changes are not drastic, however, the PDO locks this development in place as you see it. There will not be significant changes regardless of whether it is B-2 or B-4; B-4 is consistent with the surrounding area.

The estimated investment at this point is roughly \$23 million for the project.

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President Mobley stated that it appears that the higher density areas are more susceptible to the Coronavirus and inquired if any thought has been given to changing the project due to the health crisis. Ms. Ullrich shared that touchless technology is considered; and as far as the economy and the project, this project is about two years out and is moving forward with confidence.

Trustee Holyoke likes the project and believes it is a quality project. Trustee Holyoke would rather have the proposed height than see the mechanicals.

Trustee Eckert is excited about the project. Trustee Azinger agrees and appreciates all the work that has gone into the project so far. Trustee Kucharski is looking forward to development on this site as well.

Trustee Lange stated that his biggest concern has always been the number of apartments and inquired if there was any information regarding density considering all the apartments in Mequon. Ms. Ullrich stated that a market study had been conducted last summer which did include the new development in Mequon and this showed that this project will still not meet demand.

Trustee Lange has received positive feedback and believes that this project fits with the character of the Village.

Planner Censky stated if the proposed ordinance is approved, it does include certain departures from the standards of the base zoning district. The base zoning district will be B-4 and R-5. The PDO gives this Board flexibility. The motion, if approved, is to allow certain deviations from the standards. Planner Censky clarified that indicated in the application is a building height of 51' – this is measured to the roof line, the top of the building; Planner Censky's calculation is measured to the mean elevation. Also, there is a departure from the 25 foot setback from Freistadt Road to 15 feet.

Planner Censky stated that approval of the final detailed plans will be presented to the Plan Commission, but quite often Village Boards do ask that those details come before them for review as well. This is up to the Village Board. The PDO is an overlay district which is applied across the entire area. It is the zoning that locks in the plans so the project itself becomes the zoning. If there is any significant change to that project in the future, then the rezoning process would need to be gone through to establish that change. If approved this evening, the PDO locks the project in and any significant change in the future would need a Public Hearing. This would include adding another building, adding density or more units added. As far as changing the mix, Planner Censky suggested going before the Village Board for their opinion if that arises.

Trustee Azinger views this project as the maximum density that should be allowed and supports moving forward as presented.

It was confirmed by T.J. Morley that the actual building height is actually 53' not 51'. President Mobley likes the 9' ceiling height in the units.

MOTION by Trustee Lange, **SECONDED** by Trustee Holyoke to approve Ordinance No. 2020-03 An Ordinance Rezoning the Property Located at 266-286 North Main Street and 217-227 Green Bay Road in the Village of Thiensville from R-4 Multiple Family Residential and B-2 Shopping Center District to R-5 Multiple Family District, B-4 Highway Business District and Planned Development Overlay (PDO) District.

Ayes: Trustees Azinger, Eckert, Holyoke, Kucharski and Lange

Naes: Trustee Abraham

Abstain: President Mobley

MOTION CARRIED.

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- C. Review and approval of 2019 Financial Statements Prepared by Baker Tilly Virchow Krause & Co., LLP

MOTION by Trustee Azinger, **SECONDED** by Trustee Eckert to approve 2019 Financial Statements Prepared by Baker Tilly Virchow Krause & Co., LLP. **MOTION CARRIED UNANIMOUSLY.**

- D. Review and approve of 2019 Thiensville Police Department Annual Report

MOTION by Trustee Lange, **SECONDED** by Trustee Kucharski to approve and accept 2019 Thiensville Police Department Annual Report. **MOTION CARRIED UNANIMOUSLY.**

- E. Review and approval of Special Event Requests from Jesse Daily, baaree, 107 Buntrock Avenue, to Extend Noise Ordinance for Friday, June 26, Friday, July 24 and Saturday, August 22, 2020 Until Midnight

MOTION by Trustee Eckert, **SECONDED** by Trustee Abraham to approve Special Event Requests from Jesse Daily, baaree, 107 Buntrock Avenue, to Extend Noise Ordinance for Friday, June 26, Friday, July 24 and Saturday, August 22, 2020 Until Midnight. **MOTION CARRIED UNANIMOUSLY.**

- F. Review and approval of 2019 MS4 Annual Report

MOTION by Trustee Azinger, **SECONDED** by Trustee Eckert to approve 2019 MS4 Annual Report. **MOTION CARRIED UNANIMOUSLY.**

- G. Review and approval of Certificate of Recognition for Attaining Rank of Eagle Scout, Sayer Vertz, Boy Scout Troop #852

MOTION by Trustee Azinger, **SECONDED** by Trustee Lange to approve Certificate of Recognition for Attaining Rank of Eagle Scout, Sayer Vertz, Boy Scout Troop #852. **MOTION CARRIED UNANIMOUSLY.**

- H. Review of Noise Ordinance Staff Report

Director LaFond shared that a noise ordinance amendment is being looked into and is seeking feedback from the Board this evening. The Plan Commission recently took a request from a local beer garden to extend their patio hours past 10:00 PM which is their listed end time in their Conditional Use Permit. The request was to end music at 10:00 PM but to stay open until 11:00 PM on Fridays and Saturdays. There were about 4 or 5 residents that did join this Public Hearing by Zoom that did complain about noise and about discrepancies as to what time the baaree has been actually closing. After looking into noise complaints filed with the Police Departments it was found that only one noise complaint was filed which was resolved quickly. This business is controlled by its Conditional Use Permit and there are really no other restrictions with other businesses.

The noise ordinance as it is now, does not have times indicated. A new ordinance would provide some consistency within the district as well as eliminate special requests.

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The existing ordinance states that no person shall make or cause to be made any loud, disturbing or unnecessary sound or noises which may annoy or disturb a person of ordinary sensibilities in or about any public street, alley or park or any private residence. No commercial deliveries or pickups that cause loud and unnecessary noise are to be performed outside of the hours of 7:00 AM to 7:00 PM. Proposed is changing the 7:00 AM time to 6:00 AM for the commercial district.

Also, in the past snow removal complaints have been received. The ordinance does not limit normal and ordinary snow removal activities during and within 24 hours of the end of a snowfall or ice accumulation nor does the Ordinance limit municipal snow removal activities anytime.

Definitions of outdoor music venues and patios was included as well as general restrictions. In summary, May 1st through the Thursday before Memorial Day, proposed is that live music and outdoor sound equipment can be used from 10:00 AM to 10:00 PM, from Memorial Day to Labor Day from 10:00 AM to 10:00 PM Sunday through Thursday and 10:00 AM to either 10:30 PM or 11:00 PM. The Plan Commission recommended the end time of either 10:30 PM or 11:00 PM. When the summer is over, the hours would go back to 10:00 AM to 10:00 PM.

A schedule at the beginning of the season for staff review would be required as well as a site plan.

A patio and beer garden without music would operate from 7:00 AM until 12:00 AM.

For consideration as well is a special permit to go past the 10:30 PM or 11:00 PM end time, issuing no more than two permits per establishment per year.

As far as enforcement, this could be tied to the liquor license or a new outdoor venue license could be created.

When considering the end time of 10:30 PM or 11:00 PM, Trustee Holyoke supports the 11:00 PM end time on Fridays and Saturdays and 10:00 PM the rest of the week (including Sundays).

Trustee Kucharski stated that a lot of legwork and thought has gone into this by Administrator Landisch-Hansen and Director LaFond. Trustee Kucharski believes a level playing field for all businesses is a good thing and feels like a happy medium would be to close at 10:30 PM and that a decibel level should be indicated and enforced.

Trustee Eckert supports the two special permits per year. Trustee Abraham agrees.

Trustee Azinger would defer to the Village Attorney's recommendation regarding decibel level and enforcement. Trustee Azinger also suggested that the outdoor music only be allowed to be played when there are patrons present and not just have it on.

Trustee Lange supports a 10:30 PM end time.

A draft ordinance will be before the Board in June.

- I. Review and approval of:
- | | |
|--|---|
| BOARD APPOINTMENTS: | |
| <u>Board Representative to Mid-Moraine</u> | David A. Lange, One-Year Term |
| <u>Community Development Authority</u> | Rob Holyoke, One-Year Term
David A. Lange, One-Year Term |
| <u>Historic Preservation Commission</u> | Jennifer Abraham, One-Year Term |

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<u>M-T Bikeway Commission</u>	Sam Azinger, One-Year Term
<u>Ozaukee County Bike Trails</u>	Sam Azinger, One-Year Term
<u>TBRC (Inactive)</u>	David A. Lange, One-Year Term
<u>Telecommunication & IT Oversight</u>	Kristina Eckert, One-Year Term
<u>Weyenberg Library Board</u>	Rob Holyoke, One-Year Term

MOTION by Trustee Lange, **SECONDED** by Trustee Azinger to approve the following Board Appointments: Board Representative to Mid-Moraine: David A. Lange, One-Year Term; Community Development Authority: Rob Holyoke, One-Year Term and David A. Lange, One-Year Term; Historic Preservation Commission: Jennifer Abraham, One-Year Term; M-T Bikeway Commission: Sam Azinger, One-Year Term; Ozaukee County Bike Trails: Sam Azinger, One-Year Term; TBRC (Inactive): David A. Lange, One-Year Term; Telecommunication & IT Oversight: Kristina Eckert, One-Year Term; and Weyenberg Library Board: Rob Holyoke, One-Year Term. **MOTION CARRIED UNANIMOUSLY.**

CITIZEN APPOINTMENTS:

<u>Board of Review</u>	John Rosing, 512 Alta Loma Dr., One-Year Term Elmer Prenzlów, Alternate, 506 Oakwood Dr., One-Year Term
<u>Community Development Authority</u>	Todd Ruhkick, 408 Oakwood Dr., Four-Year Term
<u>Historic Preservation Commission</u>	Karin Flodstrom, 151 Green Bay Rd., Three-Year Term Ronald Heinritz, 202 Grand Ave., Three-Year Term
<u>Zoning Board of Appeals</u>	Jesse Daily, Chair, 215 Madero Dr., One-Year Term Craig Mellendorf, 627 Grand Ave, Three-Year Term Randy Pasternak, 524 Bel Aire Dr., Three-Year Term

Trustee Abraham stated that the Historic Preservation Commission wishes to have Ron Heinritz continue as Chair.

MOTION by Trustee Azinger, **SECONDED** by Trustee Abraham to approve the the following Citizen Appointments: Board of Review: John Rosing, 512 Alta Loma Dr., One-Year Term, Elmer Prenzlów, Alternate, 506 Oakwood Dr., One-Year Term; Community Development Authority: Todd Ruhkick, 408 Oakwood Dr., Four-Year Term; Historic Preservation Commission: Karin Flodstrom, 151 Green Bay Rd., Three-Year Term, Ronald Heinritz, 202 Grand Ave., Three-Year Term; Zoning Board of Appeals: Jesse Daily, Chair, 215 Madero Dr., One-Year Term, Craig Mellendorf, 627 Grand Ave, Three-Year Term, and Randy Pasternak, 524 Bel Aire Dr., Three-Year Term. **MOTION CARRIED UNANIMOUSLY.**

NEXT RESOLUTION NUMBER:	2020-08
NEXT ORDINANCE NUMBER:	2020-03

XIV. REPORTS AND COMMUNICATIONS

XV. UNFINISHED BUSINESS

XVI. ANY OTHER MISCELLANEOUS BUSINESS BY THE TRUSTEES AS MAY BE BROUGHT BEFORE THE BOARD, OR CARRIED OVER FROM THE APRIL 20, 2020 VILLAGE BOARD MEETING

- A. Inter-Governmental Committee with Mequon
- B. Use of 101 Green Bay Road, Old Village Hall & Fire Station
- C. Acceptance/Report of Gifts Received:
 - 1. \$3,000 from Thiensville-Mequon Rotary Foundation, Inc. for Village Park Reimagined
 - 2. \$250 from Junior Woman's Club of M-T for Thiensville Fire Department
 - 3. \$100 from Jerry and Judy Schmitz for Thiensville Fire Department
- D. Dialog with Mequon regarding water utility service
- E. Review next month's meeting date schedule:
 - June 1, 2020 – Committee of the Whole at 6:00 PM
 - June 15, 2020 – Board of Trustees at 6:00 PM

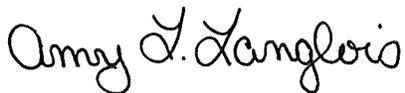
MOTION by Trustee Lange, **SECONDED** by Trustee Kucharski to accept the following gifts with much gratitude: \$3,000 from Thiensville-Mequon Rotary Foundation, Inc. for Village Park Reimagined, \$250 from Junior Woman's Club of M-T for Thiensville Fire Department and \$100 from Jerry and Judy Schmitz for Thiensville Fire Department.
MOTION CARRIED UNANIMOUSLY.

Trustee Lange asked for feedback from the Board regarding having a movie night in the Park on July 18th. The Board supports moving forward with the movie.

XVII. ADJOURNMENT

MOTION by Trustee Holyoke, **SECONDED** by Trustee Azinger to adjourn the meeting at 8:16 PM. **MOTION CARRIED UNANIMOUSLY.**

Submitted by,



Amy L. Langlois
Village Clerk

Approved by,



Colleen Landisch-Hansen
Administrator