

**VILLAGE OF THIENSVILLE
COMMITTEE OF THE WHOLE
MINUTES**

DATE: Monday, August 3, 2015

LOCATION: 250 Elm Street
Thiensville, WI

TIME: Immediately following Public Hearing
Scheduled for 6:00 PM

I. CALL TO ORDER

President Mobley called the meeting to order at 6:25PM.

II. ROLL CALL

President:	Van Mobley	
Trustees:	Kim Beck	Kenneth Kucharski
	Ronald Heinritz	David Lange
	Rob Holyoke	John Treffert
Administrator:	Dianne Robertson	
Staff:	Director of Public Works Andy LaFond	
	Fire Chief Brian Reiels	
	Police Chief Scott Nicholson	
	Asst. Administrator Colleen Landisch-Hansen	
	Clerk Amy Langlois	

III. BUSINESS

A. Review Capital Expenditures List

Administrator Robertson shared the Capital Expenditures List.

B. Review and recommendation regarding Parking Lot Lease Agreement Extension to Greg Mueller Upholstery, 121 S. Main Street from 9-20-2015 to 9-20-2020

Trustee Heinritz inquired as to if Greg Mueller Upholstery has sole rights to this parking lot and inquired as to if anything could be changed on the lot. Administrator Robertson stated that the lot could be changed but would need some notice but a time frame for this notice is not specified in the contract.

Attorney Tim Schoonenberg reported that the contract does not specify a time frame for early release from the contract. Trustee Heinritz suggested adding to the contract wording that it could be renewed on a year-to-year basis automatically unless notice is given a few months in advance.

Motion below was made by Trustee Treffert with Trustee Lange adding a "Friendly Amendment" to include, in the motion, renewal on a year-to-year basis automatically unless notice is given a few months in advance.

MOTION by Trustee Treffert, **SECONDED** by Trustee Kucharski to recommend to the Board approving the Parking Lot Lease Agreement Extension to Greg Mueller Upholstery, 121 S. Main Street from 9-20-2015 to 9-20-2020.

Friendly Amendment - MOTION by Trustee Lange, **SECONDED** by Trustee Kucharski to amend the motion to state that the renewal would be on a year-to-year basis automatically unless notice is given a few months in advance.
MOTION CARRIED UNANIMOUSLY.

On the original motion as amended: MOTION CARRIED UNANIMOUSLY.

Attorney Schoonenberg will draft a new lease for Village Board consideration.

C. Review and recommendation regarding Bids for Main Street and Green Bay Road Water Main Project and Review the Report of the Engineer

Engineer Mr. Ken Ward reported that six bids were received for the Main Street and Green Bay Road Water Main project and they ranged from \$1,007,335 from Globe Contractors, Inc. located in Pewaukee up to \$1,349,180 from American Sewer Services, Inc. from Menomonee Falls. At this time, it is the recommendation of Ruekert-Mielke that the contract be extended to Globe Contractors, Inc. in the amount of \$1,007,335.

MOTION by Trustee Holyoke, **SECONDED** by Trustee Lange to recommend to the Board approving the Bid for Main Street and Green Bay Road Water Main Project to Globe Contractors, Inc., in the amount of \$1,007,335.
MOTION CARRIED UNANIMOUSLY.

D. Review and recommendation on Amendment to the Planned Development Overlay (PDO) Ordinance as Received from the Plan Commission (Public Hearing scheduled for August 17, 2015 at 6:00 PM) and Discussion on How Ordinance Can Be Used on Redevelopment Opportunities

Attorney Tim Schoonenberg reported that he and Mr. Jon Censky have worked with other municipalities on a similar Ordinance. The purpose of this Ordinance is not to expand or make the density of a zoned area unlimited, rather it is used to make the conversation be heard that if a project is of high quality, it gives the Village more control. This allows the Village to take each proposal case by case based upon the quality of the project.

Atty. Schoonenberg offered the question: Can we as a Village say “no” without being arbitrary and capricious? The way this PDO is drafted, the answer is, “yes.” “No” can be said if the project is one that the Village does not see as desirable.

President Mobley feels that the PDO may make it more difficult for Developers and would prefer clarity and prefers the old code. The current maximum density is R-5 at 14 units per acre.

Atty. Schoonenberg shared that if it is the intent of the Village to never expand beyond R-5 then the current code will not need to be changed. However, an Ordinance like the one proposed gives the Village architectural and quality control of the project.

President Mobley does not believe that any of the existing commercial areas should go beyond R-5, but does feel that if there is an area that is now R-5, the Village may want to give greater density for redevelopment. The new Ordinance gives this flexibility.

Trustee Lange responded that with the proposed PDO, no change to the zoning would need to occur based on any negotiations with the Developer.

Trustee Heinritz questioned how the process of acquiring a PDO comes about. Atty. Schoonenberg responded that PDO's are usually initiated from the municipality. Trustee Heinritz feels that in the past a PDO has been used to leverage in high density projects into residential areas and feels that the language under Sec. 17.0316 “while at the same time maintaining insofar as possible the land use density and other standards or use requirements set forth in the underlying basic zoning district” should not be struck from the new PDO language. Atty. Schoonenberg responded that this is the primary change. The existing code states that all PDO's have to maintain the underlying basic zoning district and the density requirements there.

There is nothing binding about the proposed PDO. Trustee Kucharski stated that high density is a common concern among the residents and this was evident pertaining to the proposed project on 200 Green Bay Road and feels that if the Ordinance is changed, we are opening up to higher density.

Atty. Schoonenberg raises the point that if a project is proposed and it is zoned R-3 or R-4, this PDO will give control.

Trustee Treffert feels that the Village should come up with a master plan and feels that the timing is off for a commitment to this PDO. Trustee Beck agrees that coming up with a master plan would be beneficial to the Village. Trustee Treffert would like to see all developable property looked at to determine what the best options are for that property and the density would be decided from that decision.

President Mobley shared that most of the commercial area in the Village is under the existing TIF that is scheduled to expire in 2018.

The Public Hearing for this proposed Ordinance on August 17, 2015 at 6:00PM will be cancelled.

MOTION by Trustee Treffert, **SECONDED** by Trustee Heinritz to recommend to the Board not to approve the Planned Development Overlay (PDO) Ordinance as recommended by the Plan Commission. **MOTION CARRIED UNANIMOUSLY.**

- E. Review and recommendation regarding the Following Appointments to the Thiensville Fire Department:
 - 1. Ross A. Lautenbach
 - 2. Christopher R. Wunsch

MOTION by Trustee Treffert, **SECONDED** by Trustee Kucharski to recommend to the Board appointments to the Thiensville Fire Department: Ross A. Lautenbach and Christopher R. Wunsch. **MOTION CARRIED UNANIMOUSLY.**

- F. Review and recommendation for Certificate of Recognition to Cole Walter Murphy, Boy Scout Troop #865

MOTION by Trustee Beck, **SECONDED** by Trustee Lange to recommend to the Board Certificate of Recognition to Cole Walter Murphy, Boy Scout Troop #865. **MOTION CARRIED UNANIMOUSLY.**

- G. Review Preliminary 2016-2020 Capital Expenditure Plan

Administrator Robertson shared that this is a tool/goal sheet that will be used to generate the capital projects budget in the next five years; anything can be added or removed from this list. In 2016 what is anticipated is to replenish some of the funds borrowed for water from Main Street Project. No action is required this evening.

Director of Public Works Andy LaFond reported that the Park & Playground Improvement Plan line item is a place holder. Fundraising and grant opportunities are being looked into.

NEXT RESOLUTION NUMBER:	2015-09
NEXT ORDINANCE NUMBER:	2015-02

IV. BUSINESS FROM THE FLOOR

A. Citizens to be Heard

Open to any citizen who wishes to speak on items not on the agenda. Please step to the podium and give your name and address for the record.

Randy Shore, 217 Riverview Drive

Thiensville should have a plan as far as style of buildings in the Village. He would like to see cohesive feel in the Village. Thiensville should have a master plan on how to incorporate one development with another to achieve harmony.

Brian Reiels, 784 Grand Avenue

Believes it is important to have discussions with potential Developers. Does not want mediocre development because density was not changed.

Attorney Doug Buck from Foley & Lardner addressed the Board. Atty. Buck represents Milo Pinkerton & MSP. Atty. Buck appreciates the Village revisiting the idea of the zoning plan for development in the Village.

President Mobley questioned if flexibility is preferred. Atty. Buck responded that the PUDs that a lot of the communities have do give municipalities flexibility which is a good thing if more development if it is what you want. If the Village has a zoning code that dates back decades with very low density, high set backs and height restrictions, a code needs to be adopted to expand and to bring in new development. Atty. Buck believes the ordinance that is presented is helpful. Mr. Pinkerton is interested in working with the Village.

President Mobley inquired as to the possibility of arranging a meeting with Mr. Pinkerton, Mr. Jennings, Mr. Houpt and Mr. Jenior along with the Village residents to find out their thoughts on what type of development would be supported. Atty. Buck believes this is a good idea.

Trustee Beck believes that the Village needs to build a relationship of trust with the resident and hopes that the next time a plan is presented at 200 Green Bay Road, that it is approved.

George Coulter, 200 Williamsburg Drive, #8

Believes condos are not viable and believes that is why Mr. Hoff withdrew his proposal because he knew he would not get funding for condos. Times have changed, and what is being seen is high end rental units. He believes it will be difficult to request condo development.

V. MISCELLANEOUS BUSINESS BY TRUSTEES AS MAY PROPERLY BE BROUGHT BEFORE THE BOARD

1. Inter-Governmental Committee with Mequon
2. Use of 101 Green Bay Road, Old Village Hall & Fire Station
3. Acceptance/Report of Gifts Received:
4. Dialog with Mequon regarding water utility service
5. Review next month's meeting date schedule

The next Committee of the Whole meeting is scheduled for Tuesday, September 8, 2015.

Director Andy LaFond reported that the Village is looking for a new Christmas Tree because the current one is dying.

Trustee Holyoke feels that the Village has missed a golden opportunity by not pursuing the proposed project from Mr. Hoff at 200 Green Bay Road and fears that this property is going to sit vacant for a long time.

Trustee Beck stated that sometime soon the Board is going to have to take an active role to make something happen at this site and is disappointed that the process was not allowed to play out.

Trustee Heinritz reported that the Inter-Urban Improvement Project around the substation north of Highland is complete and was done very well. Also, a historic plaque was donated to The Cheel.

VI. ADJOURNMENT

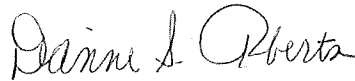
MOTION by Trustee Lange, **SECONDED** by Trustee Holyoke to adjourn the meeting at 7:30PM. **MOTION CARRIED UNANIMOUSLY.**

Submitted by,



Amy L. Langlois
Village Clerk

Approved by,



Dianne S. Robertson
Administrator