

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

DATE: Monday, November 2, 2015

LOCATION: 250 Elm Street
Thiensville, WI

TIME: Immediately following 2016 Budget Public Hearing
Scheduled at 6:00 PM

I. CALL TO ORDER

President Mobley called the meeting to order at 6:28 PM.

II. ROLL CALL

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

III. BUSINESS

A. Review Capital Expenditures List

Director of Public Works Andy LaFond shared that there are no new requests.

B. Review and recommendation regarding Request for Waiver of Ordinance No. 78.58, Water Main Assessments in Regards to Payment of Balance at Sale of Property

Director LaFond reported that Dan and Lindsey Johannes recently sold their home at 512 Park Crest Drive and were not aware of the Village Ordinance requiring payment of the Water Main Special Assessment due upon sale of property. The Johannes' submitted a letter to the Board stating that they are unable to financially pay the balance of the special assessment at this time and that the closed real estate transaction with the buyers includes their ongoing payment of the annual assessment.

The Village Ordinance reads, "The Village Board may grant hardship deferments for any installment of a special assessment. Hardship deferments may be granted only on a year-to-year basis and must be applied for by the person seeking the hardship deferment each year that the deferment is sought. The deferred special assessment shall become due in total, however, at such time as the property is sold or transferred to an heir or assignee. The deferment, if granted by the Village Board, shall affect only the special assessment installment and shall have no affect on the real estate taxes."

President Mobley shared that the Village has the ability to waive the Ordinance and allow this special assessment to be paid by the new owners.

Trustee Heinritz questioned as to if the Village Attorney had the opportunity to review this request.

Trustee Treffert inquired as to if there is any legal enforcement on the Village's part to collect the special assessment.

President Mobley shared that Administrator Robertson is familiar with this request and suggested taking action at the Village Board meeting on November 16, 2015 when the Village Attorney and Administrator Robertson are in attendance.

MOTION by Trustee Lange, **SECONDED** by Trustee Treffert to postpone any action regarding the Request for Waiver of Ordinance No. 789.58, Water Main Assessments in Regards to Payment of Balance at Sale of Property to the Village Board Meeting Scheduled for Monday, November 16, 2015 at 6:00 PM in Order to get Counsel from the Village Attorney and Administrator Robertson. **MOTION CARRIED UNANIMOUSLY.**

C. Review and recommendation regarding Resolution No. 2015-10 Adopting the 2016 Budget and Establishing the 2015 Tax Levy and Rate

MOTION by Trustee Beck, **SECONDED** by Trustee Holyoke to recommend to the Village Board to Adopt Resolution No. 2015-10 Adopting the 2016 Budget and Establishing the 2015 Tax Levy and Rate. **MOTION CARRIED UNANIMOUSLY.**

D. Discussion regarding Street Vendor Ordinance

President Mobley shared that input from Administrator Robertson and the Village Attorney would be beneficial.

The Ordinance presented covers street vendors, mobile truck vendors as well as the vendors at the Village Market.

There is no pressing need to take any action this evening but this is likely an Ordinance that would be beneficial as the weather gets nicer.

Trustee Lange shared that the City of Mequon issues vendor permits for \$80 for the season. A portion of the permit is for the inspector to be sure that all are compliant with the regulations regarding food distribution. At the next Village Board meeting, Trustee Lange would like to give an overview of how the Village Scoop's season went.

It is important to have an Ordinance for the Village to refer to. Trustee Lange shared that the current Permit is a Peddlers-Solicitors & Transient Merchants Permit and is really designed for door-to-door sales. It is not designed for a food cart.

Trustee Kucharski shared that after reading the proposed Ordinance it appears that there are two separate issues, street vendors and food trucks. Here are some thoughts shared by Trustee Kucharski:

- Does not believe the food trucks would be business friendly. They are popular in large urban settings and does not feel would be appropriate for the Village.
- The food trucks take up parking and create disposal issues and pedestrian concerns.
- Food trucks can also hurt existing businesses. These businesses carry the tax burden and food trucks parked near these establishments could potentially hurt these businesses.
- Food trucks do not have to meet the high costs of running a restaurant i.e. rent, utilities and other costs that an established restaurant does

Trustee Kucharski is not in favor of food trucks in the Village, however, feels that with the right guidelines street vendors would be welcome.

Trustee Lange stressed that the role of the Village is really to support, not protect businesses.

Trustee Holyoke suggested adding "Mobile Food Establishments" to the description of the Ordinance.

Trustee Beck echoed Trustee Kucharski stating that Ordinances should be written in a fashion to encourage businesses instead of in a way that may deter business.

- E. Review and recommendation of Certificate of Recognition for Attaining the Rank of Eagle Scout, Joseph Wuhrmann, Boy Scout Troop #852

MOTION by Trustee Beck, **SECONDED** by Trustee Lange to recommend to the Village Board to approve a Certificate of Recognition for Attaining the Rank of Eagle Scout, Joseph Wuhrmann, Boy Scout Troop #852.
MOTION CARRIED UNANIMOUSLY.

NEXT RESOLUTION NUMBER:	2015-11
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.

Clara Slusher, 213 Elm Street, resident for 30 years, addressed the Board regarding the loud music from Shully's. Shully's is in Ms. Slusher's back yard.

Ms. Slusher has had several conversations with Mr. Scott Shully concerning the loud music. It was understood that once the Watermark was built that all the events would be held inside and the neighbors would not be bothered by the loud music. The first year the events were inside and it was pretty quiet. The three outdoor River Sounds concerts are pretty quiet. As the years have gone on, however, Shully's has increased their outdoor presence first with a patio and next with an outdoor tent. The River Sounds concerts have now become rock concerts and are so loud that Ms. Slusher leaves her home. Every weekend from May to October there are events that can last 6-10 hours. Ceremonies are often held outside with music in the outdoor tent.

It is difficult to sleep, even with ear plugs and windows have to be closed. Ms. Slusher's home does not have central air conditioning. Ms. Slusher would like to keep her windows open but cannot.

Ms. Slusher's question for the Board is, "What was the original intent of The Watermark, and what can I do so I can enjoy my home and have peace and quiet?" Ms. Slusher thanked the Board for their input and for coming up with a solution.

President Mobley assured Ms. Slusher that he will look into this for her by contacting Mr. Shully and Administrator Robertson and reporting back.

Ms. Slusher inquired as to how Shully's gets permits for outdoor music. The outdoor music is what is concerning, the indoor music is not such a nuisance. There is a fence and arborvitaes that line the property but do not seem to help.

Police Chief Nicholson reported that no other complaints have been received.

Trustee Beck inquired as to the noise Ordinance. Chief Nicholson responded that there is not a time restriction in the Ordinance but shared that a good rule of thumb is 10:00 PM to quiet things down. Specific events i.e. Harley-Davidson Rally and Lion Fest have special authority to go later into the evening.

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

Trustee Treffert shared that Fr. Sanders was very complimentary of the historical plaque received as well as the Employee Recognition Dinner on October 28, 2015.

VI. ADJOURNMENT

MOTION by Trustee Treffert, **SECONDED** by Trustee Heinritz to adjourn the meeting at 7 :08 PM. **MOTION CARRIED UNANIMOUSLY.**

Submitted by,



Amy L. Langlois
Village Clerk

Approved by,



Dianne S. Robertson
Administrator