

**VILLAGE OF FONTANA ON GENEVA LAKE**  
**WALWORTH COUNTY, WISCONSIN**  
(Official Minutes)

SPECIAL JOINT SESSION MEETING & MONTHLY MEETING of the  
VILLAGE BOARD OF TRUSTEES with the PLAN COMMISSION  
**Monday, August 6, 2012**

Village President Arvid Petersen called the special joint session and monthly meeting of the Village Board to order at 6:00 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin. Plan Commission Chairman George Spadoni called the special joint session meeting of the Plan Commission to order at 6:00 pm in the Village Hall.

**Trustees present:** Roll call vote: Tom McGreevy, Pat Kenny, Rick Pappas, Cindy Wilson, George Spadoni, Bill Gage, President Petersen

**Plan Commission members present:** President Petersen, Chairman Spadoni, Micki O'Connell, Sarah Lobdell, Harry Nelson, FJ Frazier, Scott Vilona

**Also Present:** Bruce Adreani, David Audino, Steve Beers, Joel Bikowski, Skip Bliss, Greg Blizard, Jade Bolack, William Buss, Steve Fairchild, Matt Fisher, Delilah Flaum, James Duca, Kim Genz, Administrator/Treasurer Kelly Hayden, Don and Merilee Holst, Brandy Howe, James Howe, Bruce Jensen, Keith Kinerk, David Klesmith, Sue Koepsel, Robert Klockars, Library Director Nancy Krei, Amy Loudenberg, John Maier, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, Jessica McCutcheon, Ed Mraz, Gary Neilson, Building Inspector Ron Nyman, Sharon O'Brien, Police Chief Steve Olson, Maureen and John O'Neill, Chris Ott, Bob Peryea, Brad Schneider, Village Planner Mike Slavney, Ed Snyder, Bill Stewart, Village Attorney Dale Thorpe, Scott Timm, Tom Whowell, Sheila Wright, Public Works Director Craig Workman

**Visitors Heard**

State Representative Amy Loudenberg, Clinton, stated that the 31<sup>st</sup> Assembly District now includes the Village of Fontana and she wanted to introduce herself and announce that she is seeking reelection on Tuesday, November 6, 2012. Keith Kinerk stated that he has received a Park Permit for the use of the Duck Pond Pavilion on Sunday, August 12, 2012 and he was asked to come to the meeting to present his expanded plans. Hayden stated that she asked Kinerk to attend the meeting because he received approval for a "picnic with a band" and there are flyers being distributed announcing a "live music jam at Duck Pond Recreation Area" with two stages and six bands from 11:00 am to 7:00 pm on August 12, 2012. Kinerk stated that the bands are comprised of many of the same members and he is still only anticipating a maximum of 50 people who will be attending, as stated on the permit application. President Petersen stated that if 300 or 400 people show up, it could cause traffic problems at the park. Following further discussion, Hayden stated that she just wanted to make the Village Board members aware of the plans for the event and the fact that there are flyers out there that the Village Board members may receive inquiries about. Ed Mraz stated that he resides at 850 Hillside Drive, which burned down in February 2012, and he should not be receiving a water and sewer bill since they will not be able to reconstruct and move back into the residence for more than a year. Hayden stated that the utility accounts were deactivated for all four units in the 850 Hillside Drive building, and the bill that Mraz may have received would have been for a period of time prior to the fire. Hayden stated that she will check the utility account records to make sure the four accounts have been deactivated.

**Announcements**

1. Backyard Birding Workshop at Public Library – **Tuesday, August 7, 2012, 5:30 pm**
2. GLLEA Board Meeting – **Wednesday, August 8, 2012, 10:00 am**
3. CDA Board Meeting – **Wednesday, August 8, 2012, 6:00 pm**
4. 2012 Board of Review – **Thursday, August 9, 2012, 2:00 pm**
5. Partisan Primary Election – **Tuesday, August 14, 2012, 7:00 am to 8:00 pm**
6. FW/WPCC Board Meeting – **Tuesday, August 14, 2012, 7:30 pm**
7. Library Board Meeting – **Wednesday, August 15, 2012, 10:00 am**
8. Plan Commission Staff Meeting – **Wednesday, August 15, 2012, 1:00 pm**

9. Park Commission Meeting – **Wednesday, August 15, 2012, 6:00 pm**
10. Geneva Lake Environmental Agency Board Meeting – **Thursday, August 16, 2012, 7:00 pm**
11. Protection Committee Meeting – **Monday, August 20, 2012, 6:00 pm**
12. Finance Committee Meeting – **Thursday, August 23, 2012, 6:00 pm**
13. Fontana Triathlon – **Saturday, August 25, 2012, 7:00 am**
14. Plan Commission Monthly Meeting – **Monday, August 27, 2012, 5:30 pm**
15. Lakefront and Harbor Committee Meeting – **Wednesday, August 29, 2012, 4:30 pm**
16. Village Board Monthly Meeting – **Tuesday, September 4, 2012, 6:00 pm**

### **Public Hearing**

#### **Rewritten Zoning Ordinance, Zoning Map, and Subdivision Regulations of the Village of Fontana Municipal Code**

The public hearing to present the proposed rewritten Chapters 17 and 18 of the Municipal Code and the new Zoning Map was opened at 6:07 pm. Village Planner Mike Slavney presented an overview of the rewrite process that has taken place during the last 19 months, and presented a timeline of the public participation opportunities which included 15 different meeting dates since the project kickoff meeting on January 31, 2011. Slavney stated that the new Zoning and Subdivision chapters are the culmination of the state directed Comprehensive Master Plan update that commenced five years ago. Slavney then presented a memorandum that outlines four “fine tuning” changes to Sections 17-8, 18-110 and the Abbey Resort Subdistrict, as well as a list of seven typo and minor item corrections to Chapter 18 that were noted by the Abbey Resort attorney, Dean Richards. Slavney also presented a list of four parcel owners who are requesting other zoning designations than the proposed Agriculture Holding (AH)-35 District on the new Zoning Map presented at the public hearing. Following discussion, Slavney stated that the parcels owned by Mesa Property, LLC, SA 426300001 and SA 426300002 should be changed from the AH-35 District to SR-1; the parcel owned by Kimberly Genz, SIHF 00017A should be changed from AH-35 to SR-5; and the parcel owned by JMO Properties, John and Maureen O’Neill, STFV 00031, 201 Dewey Avenue, could be changed from AH-35 to the Research Park (RP) District since it allows for the current mini-warehouses use. Slavney stated that the current mini-warehouses use also is allowed under the AH-35 District; however, it could not be expanded, and expansion would be allowed in the RP District. Following discussion, it was noted that the parcel owned by Robert Stewart is appropriately zoned AH-35 as the present mineral extraction use is allowed in that district. Slavney stated that future development or a change in the land use for Robert Stewart’s property would require an amendment to the Comprehensive Plan and an amendment to the Zoning Map in both the new and the old zoning code. In response to a question from Village Attorney Thorpe, Slavney stated the public hearing was noticed for the community-wide rezone project, and there is a possibility that public comments received at the hearing could lead the Plan Commission and Village Board members to authorize changes in the new zoning districts for some of the parcels. Slavney also presented his memorandum dated August 6, 2012 that outlines four minor text amendments to address concerns, and a fifth request from a property owner’s attorney that proposes a provision be added that would allow for existing contiguous lots of record to be developed as long as they have the same ownership as of the effective date of the new ordinance and that the total lot area requirements are met. Slavney stated that Item No. 1 on his August 6, 2012 memo is that Village of Fontana Rescue Squad Chief Jon Kemmett requested that the Section 17-8 Land Division Regulations for all new developments be adjusted to require at least two means of access for emergency service vehicles. Slavney stated that Item No. 2 is that he inadvertently missed incorporating a paragraph and several additional lines of the current Section 18-33 shoreland regulations into the new Section 18-110. Slavney stated that all the lakeshore regulations of the current code were supposed to be carried forward into the new ordinance. Slavney stated that Item No. 3 is that the attorney representing the Abbey Resort requested a revision to the sign regulations in the Abbey Resort Subdistrict section to clarify approval requirements for signs in the Peripheral Area. Slavney stated that the change of the word “require” in Section 18-40 (i)(3) to “requiring” will address the concern with the amended sentence reading: “Signs permitted within the peripheral area requiring sign approval by the Zoning Administrator.” Slavney stated that Item No. 4 is a minor text adjustment to the public hearing draft to clarify and provide a graphic representation of the building height definition in Section 18-13. Slavney stated that Item No. 5 on the August 6, 2012 memorandum was received from Attorney John Maier who is representing property owners of adjacent lakefront lots that were created by a Certified Survey Map in 1977. Lot 1 is vacant and Lot 2 contains an existing principal residential structure. Slavney stated

that both lots meet the area requirements of the current RS-1 Zoning District; however, neither lot is in full compliance with the requirements of the current ordinance or the proposed new Lakefront Residential Zoning District. Slavney stated that the Plan Commission and Village Board members need to confirm that it is the Village's intent to prohibit the development of existing parcels that meet lot area requirements, but that are deficient in one or more of the other standards for the zoning district. If so, there are no revisions required for the new ordinance related to the issue. Slavney stated that this approach and its result to limit the creation of additional buildable lots is the "reverse side of the coin" of the requirement for dividing off new buildable lots that was discussed extensively and recommended unanimously by the Plan Commission and Village Board. Slavney stated that if it is not the Village's intent to prohibit development of existing lots with adequate area to meet the district standard, revisions to the draft ordinance would be needed to: remove the requirement to combine the contiguous parcels, which would enable the property owner to request a variance to develop the lot as prescribed in Section 18-93(c)(4); Section 18-93(b)(1) would have to be revised as follows: "If two or more vacant ~~such~~ substandard lots are contiguous and have the same ownership as of the effective date of this Chapter, ~~and at least one is vacant~~, blanket conforming status shall not apply to any such lots until they are combined in such a pattern to create the fewest substandard lots;" and to remove the additional barrier of requiring a variance for such situations, the following addition would have to be made to Section 18-93(b): "(5) A lot of record existing upon the effective date of this Chapter in any zoning district which does not meet the minimum lot area, width, and frontage requirements for the zoning district may be utilized for new or modified development, provided that such development complies with the lot area requirements listed under Subsection (c)(1)." Attorney Maier stated that he was representing four clients, including the Abbey Marina Harbor Condominium Association. Maier stated that the Abbey Harbor association thanks the village staff members and Village Board and Plan Commission members for their hard work on the project and in particular the creation of the new Resort Business District for the four Abbey Resort associations. Maier stated that he was filing at the hearing the Appendix D for the new Resort Business District, which is an inventory of the existing land uses at the Abbey Harbor Marina. Maier stated that he also wanted to thank the staff and officials for working to protect the property rights of his lakefront business clients during the rewrite project. Maier stated that the lakefront lots created by the 1977 CSM that Slavney referred to earlier in the hearing are owned by his client, R.J. Cantalupo Properties, and the owners were under the assumption that since Lot 1 is an existing lot, it would be buildable. Maier stated that they are requesting that the language of the new district be amended as described in Slavney's memo to make Lot 1 a buildable lot, without the owners having to seek a variance. Maier stated that his fourth client is JMO Properties, John and Maureen O'Neill, owners of the mini-warehouse storage facilities at 201 Dewey Avenue. Maier stated that his clients would like the AH-35 zoning proposed for the parcel to be changed to the new Community Business (CB) District, and the new CB District to be amended to include indoor and outdoor storage and wholesaling and personal storage facilities to the list of Principal Land Uses Permitted by Right. Slavney stated that the indoor and outdoor storage and wholesaling and personal storage facilities are Permitted Uses by Conditional Use Permit in the AH-35 District, and that was the initial direction for the JMO parcels to control the expansion of the mini-warehouse use in that area of the village. Slavney stated that staff recommends that mini-warehouse developments should be an allowed use by CUP, and not a permitted use by right so that the development proposals can be considered on a case-by-case basis. Maier stated that his clients would like the existing use to be added to the CB District. Hayden asked Maier if he was representing John and Maureen O'Neill since the Village had received a letter from Attorney Daniel Draper that states the O'Neills are his clients and they want the C-2 Zoning District in the current Chapter 18 to remain in the new code so that the property owned by JMO can remain zoned C-2. John O'Neill stated that the Village staff and officials should ignore the letter submitted by Draper. Spadoni stated that the indoor and outdoor storage and wholesaling and personal storage facilities uses are allowed uses by right in the Research Park District of the rewritten code and the JMO parcel should be placed in the RP District as recommended by Slavney. Spadoni stated that he wanted to make that motion on behalf of the Plan Commission; however, Thorpe stated that the suggested amendments should be acted on all at once following the public hearing. Maier stated that he did not note that the indoor and outdoor storage and wholesaling and personal storage facilities uses were included in the RP District list of Principal Land Uses Permitted by Right; however, his clients would still like the parcel zoned in the CB District, and the CB District language amended. Kim Genz stated that she owns a vacant lot adjacent to her

residential lot, Tax Parcels No. SIHF 00017A and STFV 00166A, that is being proposed to be zoned AH-35, and she wants to protect her land use rights of the current zoning district. Genz stated that the new zoning district would take away her right to split the lot, which is currently zoned PS-2. Tax Parcel SIHF 00017A is a .3-acre undeveloped lot; tax parcel SIHF 00166A is 1.43-acre parcel that has a single-family residence. The Performance Standard districts have been eliminated with all the other current zoning districts in the rewritten Chapter 18. Genz stated that she is requesting to be grandfathered in to keep the current zoning on her property. Slavney stated that since the undeveloped lot owned by Genz is surrounded by environmental corridors, the AH-35 district was assigned for consistency reasons. Slavney stated that the parcel could be placed in the new SR-5 Zoning District, which would carry over all the current zoning standards of the parcel and make the baseline zoning consistent with the other properties in the area. Slavney stated that other zoning regulations with regard to the environmental corridors and street frontage also will have to be met in order to develop the Tax Parcel SIHF 00017A lot. Delilah Flaum, 703 Timber Ridge Court, stated that the 14 lots in the Timber Ridge subdivision are being proposed for the SR-4 District, and they are currently in the RS-2 Zoning District. Flaum asked why the Timber Ridge parcels were placed in the SR-4 District and if the condominium association declarations would still be valid. Slavney stated that the baseline zoning standards of the SR-4 District best match the existing conditions of the subdivision and property owners have to adhere to the standards of the Village zoning code as well as the private condominium association declarations. Bill Stewart stated that he is an attorney representing Mesa Property, LLC, owners of two vacant parcels, Tax Key Nos. SA 426300001 and SA 426300002. Bill Stewart stated that the parcels on Dade Road are proposed to be placed in the new AH-35 Zoning District. Bill Stewart stated that the new AH-35 District would require the owner to get a CUP to have single-family homes constructed on the lots, and the owner already has received all the necessary approvals for single-family home sites on the lots. Slavney stated that the SR-1 Zoning District would be compatible with the other neighboring properties and would allow for single-family home sites as Principal Land Uses Permitted by Right on the Mesa lots. Slavney asked Attorney Stewart if the SR-1 Zoning District would be acceptable. Attorney Stewart stated that he had not reviewed that section of the rewritten code and he requested time to review the language. Later in the meeting, Attorney Stewart stated that he reviewed the SR-1 Zoning District language and his client would agree to have the two lots zoned SR-1 instead of AH-35. Jessica McCutcheon, 702 Timber Ridge Court, stated that five houses in the subdivision abut property owned by Adreani family, and the Adreani property has been placed in the new SR-5 Zoning District. McCutcheon stated that the Adreani property is 75 to 80 percent environmental corridor, especially in the eastern half that abuts the Timber Ridge subdivision, and she is concerned the SR-5 Zoning District will allow the lot to be further developed since the environmental corridor is being reduced. Slavney stated that the state determines the boundaries of the environmental corridors and the areas are delineated by state surveyors, and a municipal zoning code would be secondary to the state's environmental corridor regulations. David Klesmith, 1081 South Lakeshore Drive, stated that his 19.55-acre parcel is currently in a Performance Standards zoning district and it is proposed for the AH-35 Zoning District. Klesmith stated he would like it zoned SR-1 instead of AH-35 and asked why it was placed in the agriculture holding district. Slavney stated that he will review the parcel and make a determination on what would be the most appropriate district in the new zoning ordinance. James Duca stated that he is representing Lorraine Sullivan, owner of Tax Parcel STFV 00161 at 280 County Highway B. Duca stated that the unbuildable flag portion of a parcel located to the east of Sullivan's parcel has been zoned MR-12 on the new zoning map and he requested that it be zoned SR-4 to match the adjacent properties. Slavney stated that the MR-12 Zoning District is appropriate for the parcel, and more than one zoning classification is never assigned to a single parcel. Slavney stated that splitting zoning across a parcel is not a good practice for many reasons, the only way the flag portion of the parcel could be proposed to be developed is through the Conditional Use Permit process, and any proposal could be denied if it is not favorably reviewed. Steve Beers stated that he owns multiple parcels in the village and he wanted to know if the minimum lot size standards were changed in the new districts, how the former zoning overlay districts are delineated in the new zoning code, and if the most recent state shoreland zoning regulations have been incorporated. Slavney stated that the overlay regulations have been incorporated into the

new zoning districts and the village zoning code does feature the most current DNR shoreland standards – as required by the state statutes. Beers asked if the CUP process required for new residential development in some of the zoning districts is the same process that will be required for addition projects. Slavney responded that the approval process and regulations for residential additions are the same as the current ordinance and the new ordinance has a picture exhibit to help explain the regulations. Chris Ott, 986 Indian Hills Road, asked how the new zoning code will affect dwellings that are currently non-conforming. Slavney stated that one of the overall aspects of the rewrite project is the change in designation of all the current legal non-conforming structures in the Village to fully legal conforming structures as of the date of the adoption of the new ordinance. Ott also asked about three vacant lots located behind his parcel and why they are being zoned AH-35. Slavney replied that only one residence would be allowed per lot if the owners ever propose a development plan. Skip Bliss, 644 South Lakeshore Drive, stated that he has a rectangular shaped lot that is just less than 2 acres in total size and he asked if his ability to split the lot sometime in the future would be changed with the new Lakefront Residential Zoning District. Following a lengthy discussion, it was determined that the effect on the Bliss parcel could not be determined without a survey of the lot and the structures currently located on the lot. Slavney stated that there is a new restriction in the rewritten code that calls for a lakefront width minimum requirement of 125 feet, up from the current 100 feet, when creating a new lot. The minimum of 50 feet of street frontage is the standard in the old and the new code. Sheila Wright stated that she owns three combined parcels at 1046 South Lakeshore Drive and she asked how the Village came up with the new minimum of 125 of lakefront frontage for new lots in the Lakefront Residential District. Slavney stated that when the rewrite project commenced back on January 31, 2011 one of the initial goals for the project was to establish a lakefront residential district that was considered completely developed with no possibility of additional lots being created in the future. Slavney stated when the officials discussed the ramifications of having the lakefront district deemed completely developed at four or five meetings held between January and April 2012, the complete prohibition of creating new lots in the Lakefront Residential District was taken out of the draft of the rewritten code and replaced with updated lot size, density and frontage requirements that were discussed extensively and compared to the zoning codes in the other Geneva Lake municipalities. Wright stated that she does not read the local newspapers and was not aware of the rewrite project until she received the notice mailed from the Village. Wright stated that there is no good reason that the village officials came up with the increased frontage requirement for creating new lots, when other lots with far less lake frontage were allowed to be created and developed in the past. Bliss stated that if a property owner wants to split off a new back lot, not on the lakefront, they should be allowed more scenarios to get it authorized. William D. Buss, 776 South Lakeshore Drive, stated that the regulations for non-conforming structures that restrict the expansion of living space in the setback areas should be eliminated from the new code. Buss stated that it would prevent home owners from having to tear down their current residences and reconstruct new residences in order to expand their living spaces that are currently non-conforming. Buss stated that if a home owner wants to expand a structure further into the setback areas, it should be allowed on a case-by-case basis. Thorpe stated that the restriction on additions only being allowed in the areas of conformity on a parcel is the same in most all municipal codes. Geneva Lake Conservancy Board of Directors member Merilee Holst stated that she wanted to thank the Village Board, Plan Commission and staff members for all their hard work on the rewrite project. Holst stated that the rewritten code will help the Village maintain its natural character and protect the lake. The public hearing was closed at 8:12 pm.

President Petersen called for a recess and then called the meeting back to order at 8:16 pm.

### **Joint Session Business**

#### **Plan Commission Recommendation on Proposed New Zoning Ordinance, Zoning Map, and Subdivision Regulations of the Village of Fontana Municipal Code**

Commissioner Nelson/Commissioner Frazier 2<sup>nd</sup> made a MOTION to recommend that the Village Board direct staff to amend the rewritten Chapters 17 and 18 of the Municipal Code and the new Zoning Map as outlined in item Nos. 1, 2, 3 and 4 in the August 6, 2012 memorandum from Village Planner Mike Slavney; to make Zoning Map changes to SR-1 for the Audino/Mesa Property, LLC Tax Parcel Nos. SA 426300001 and SA 426300002; to make a Zoning Map change to SR-5 for the Kimberly Genz Tax Parcel No. SIHF 00017A; to make a Zoning Map change to Research Park District for the JMO Properties, John and Maureen O'Neill, Tax Parcel No. STFV 00031 at 201 Dewey Avenue; to approve "Appendix D" submitted by Attorney Maier for the Abbey Harbor Marina Subdistrict Inventory of Existing Land Uses and Development; to approve the suggested revisions and corrections to Sections 18-248(c), 18-40 I (e), 18-40 I (f), 18-40 I (i)(3), 18-40 I (i) (1) and (2), 18-40 I (1), and 18-40 I Figure 18-40 as presented; to table the proposed new Zoning Ordinance, Zoning Map and Subdivision Regulations; and to schedule another public hearing to present the amended documents on Tuesday, September 4, 2012 beginning at 6:00 pm. The MOTION carried without negative vote.

#### **Village Board Consideration of Plan Commission Recommendation on Proposed New Zoning Ordinance, Zoning Map, and Subdivision Regulations of the Village of Fontana Municipal Code**

Trustee McGreevy/Trustee Kenny 2<sup>nd</sup> made a MOTION to direct staff to amend the rewritten Chapters 17 and 18 of the Municipal Code and the new Zoning Map as outlined in item Nos. 1, 2, 3 and 4 in the August 6, 2012 memorandum from Village Planner Mike Slavney; to make Zoning Map changes to SR-1 for the Audino/Mesa Property, LLC Tax Parcel Nos. SA 426300001 and SA 426300002; to make a Zoning Map change to SR-5 for the Kimberly Genz Tax Parcel No. SIHF 00017A; to make a Zoning Map change to Research Park District for the JMO Properties, John and Maureen O'Neill, Tax Parcel No. STFV 00031 at 201 Dewey Avenue; to approve "Appendix D" submitted by Attorney Maier for the Abbey Harbor Marina Subdistrict Inventory of Existing Land Uses and Development; to approve the suggested revisions and corrections to Sections 18-248(c), 18-40 I (e), 18-40 I (f), 18-40 I (i)(3), 18-40 I (i) (1) and (2), 18-40 I (1), and 18-40 I Figure 18-40 as presented; to table the proposed new Zoning Ordinance, Zoning Map and Subdivision Regulations; and to schedule another public hearing to present the amended documents on Tuesday, September 4, 2012 beginning at 6:00 pm. The MOTION carried without negative vote.

### **Adjournment Plan Commission**

Commissioner O'Connell/Commissioner Frazier 2<sup>nd</sup> made a MOTION to adjourn the Plan Commission meeting at 8:18 pm, and the MOTION carried without negative vote.

### **Approval of Village Board Minutes**

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the minutes as submitted for the meetings held July 9, 14 and 30, 2012, and the MOTION carried without negative vote.

### **Village Treasurer's Report, Vendor Report, & Payroll Overtime Report**

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to acknowledge the receipt of the May and June 2012 treasurer's reports and the Vendor Report and Payroll Overtime Report and to place them on file for the audit. The MOTION carried without negative vote.

### **Approval of Village and Utility Payables**

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the payable as distributed and presented at the meeting, and the MOTION carried without negative vote.

### **General Business/Administrator's Report – President Petersen/Administrator-Treasurer Hayden**

#### **Liquor License Premise Amendment Filed by Park Place LLC – Tabled 7/9/12**

Trustee Spadoni/Trustee Gage 2<sup>nd</sup> made a MOTION to table the item, and the MOTION carried without negative vote.

### **Operator's License Application Filed by Jennifer A. Reichold (Park Place)**

There were no concerns in the background check.

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Operator's License Application filed by Jennifer A. Reichold, an employee at Park Place, and the MOTION carried without negative vote.

### **Reminder & Additional Approvals – Portuguese Water Dogs Shows September 28, 29 and 30, 2012 Beach Rental**

The Portuguese Water Dog Club of America Water Trials event has been approved for the Fontana Beach for Friday through Sunday, September 28 to 30, 2012, with a special event fee of \$1,200.

The final proposal for the event operational plans are to have two areas fenced off with temporary fencing, on both sides of the lifeguard stand, back about 50 feet from the shoreline. There also will be two buoy markers out about 60 to 70 feet for each of the sites, two non-motorized row boats will be used at each site, a 10-by-10-foot easy up tent will be erected at the entrance of each area, and tables will be set up under the roofed area of the beach house. Everything will remain setup from Friday through Sunday at 5:00 pm.

President Petersen/Trustee Spadoni 2<sup>nd</sup> made a MOTION to approve the final plans for the Portuguese Water Dogs Shows on September 28, 29 and 30, 2012, as presented, and the MOTION carried without negative vote.

### **Human Resources Committee Appointment – Tim Demco**

President Petersen/Trustee Spadoni 2<sup>nd</sup> made a MOTION to approve the appointment of Tim Demco to the Human Resources Committee, and the MOTION carried without negative vote.

### **Park Commission Member Sharon O'Brien Resignation**

Trustee Spadoni/President Petersen 2<sup>nd</sup> made a MOTION to table the item, and the MOTION carried without negative vote.

### **Fourth of July P/L Report**

The report showed total revenues of \$23,322 from beach admission fees and concession sales and from launch and parking fees collected on Wednesday, July 4, 2012. Total expenses were \$8,684, resulting in a net income of \$14,638 for the day.

### **August 15 Equalized Value Report**

The preliminary report was distributed. Final values will be published August 15, 2012.

### **Update on Water and Burn Ban**

Hayden stated that the water and burn bans are both still in effect. Residents may only water their landscaping every other day, with odd numbered street addresses on odd numbered days and even numbered addresses on even numbered days.

### **League of Wisconsin Municipalities 114<sup>th</sup> Annual Conference, October 17-19, 2012, Wisconsin Dells – Early Bird Registration Deadline September 18, 2012**

The annual registration information was distributed. There is a substantial fee discount for registering prior to September 18, 2012.

### **Plan Commission – Trustee Spadoni**

#### **Fontana Mart, 286 Valley View Drive, BSOP Amendment Application for Shell Gas Station**

Spadoni stated that at its July 30, 2012 monthly meeting the Plan Commission recommended approval of the application to change the signage from BP to Shell with 14 conditions. Scott Timm of Colortech of Wisconsin stated that U.S. Oil and the Shell Oil Company indicated in an August 3, 2012 letter that it could adhere to 13 of the recommended conditions if the eighth condition regarding Shell logos on the individual gas pumps was waived by the Village Board. Timm also requested that the owners be allowed to have 3-by-3-foot Shell logos placed on the north and south facing sides of the canopy. The Village Board members reached a consensus that two logos would be allowed on the new canopy with the condition the logos do not extend over upper and lower edges

of the canopy, and that they not be illuminated.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the BSOP Amendment application, contingent on final review by the CDA Board, with 13 of the 14 conditions recommended by the Plan Commission as follows:

1. The proposed 32-square-foot illuminated monument sign shall be allowed with the condition that the base is upgraded to a traditional (standard) monument base (as opposed to the existing metal pole) with additional landscaping.
2. A 1.5-square-foot illuminated "OPEN" sign shall be allowed with the condition that the sign be illuminated with LEDs (light-emitting diodes).
3. The proposed 20-square-foot main building "SHELL FONTANA MART" wall sign shall be allowed with the condition that the material used is a wood texture look. This sign may be illuminated by an approved gooseneck-style lighting fixture.
4. The proposed 10-square-foot main building "FOOD MART" wall sign shall be allowed with the condition that the material used is a wood texture look. This sign may be illuminated by an approved gooseneck-style lighting fixture.
5. Proposed main building color bar (yellow and red) shall not be allowed. The area shall be beige or off-white and complimentary to the existing main building.
6. No signage shall be allowed on the accessory structure (canopy).
7. No color bar (yellow and red) shall be allowed on the accessory structure (canopy). The canopy edge shall be beige or off-white and complimentary to the existing main building.
8. All other external signage (i.e., "PICADILLY PIZZA") shall be removed and shall not be replaced.
9. Temporary signage as allowed through the Village of Fontana Municipal Code (i.e., temporary banners, menu-board signage) shall be applied for prior to installation and use. Application may be made through the Building & Zoning Department and does not require BSOP approval, unless as determined otherwise by the Zoning Administrator.
10. All other permanent signage or modifications to the approvals herein shall require application and approval as described in the Village of Fontana Municipal Code.
11. All building, zoning and electrical permits shall be applied for and obtained prior to the installation of and use of any approved signage. BSOP approval shall not alleviate the applicant from securing all required permits.
12. All outstanding cost recovery fees billed to date applicable to this project shall be paid prior to the issuance of any building & zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed.
13. Any signage not approved, or without issued proper permits, that are installed or used at any time, whether permanent or temporary in nature, shall be subject to municipal violations and citations as described in the Village of Fontana Municipal Code.

The MOTION carried without negative vote.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve the addition of one 3-by-3-foot Shell logo on the south side of the canopy and one 3-by-3-foot Shell logo on the north side of the canopy, with the conditions that the logos are not illuminated and that they do not extend beyond the upper and lower edges of the canopy. The MOTION carried without negative vote.

### **Charter Communications Request for Wild Duck Road Easement**

The Plan Commission recommended approval of the easement request as filed. Brad Schneider of Charter Communications stated that they are seeking the easement along the east fence line to install a fiber optic line for the AT&T 4G Network. Schneider stated that if approved by the Village Board, the line will not have to be installed in the current easement area, which would require the road and DPW garage driveway to be dug up to reach the cellular tower control box. Spadoni stated that he opposed recommending approval of the easement at the Plan Commission meeting. Spadoni stated that Charter should provide some type of benefit to the residents of the village, such as a discount on cable television and internet service or a promise not to eliminate any more popular channels.

Trustee Kenny/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve the Wild Duck Road Easement request as recommended, with the condition the easement document is reviewed by the Village attorney. The MOTION carried on a 6-1 vote, with Trustee Spadoni opposed.

### **Protection Committee – President Petersen**

## **Update**

Petersen stated that there is no update since the monthly meeting was cancelled in August.

## **Lakefront & Harbor – Trustee Pappas**

### **Mooring Waiting List Priority Language Amendment Recommendation – Tabled 6/4/12 & 7/9/12**

Trustee Pappas/Trustee Spadoni 2<sup>nd</sup> made a MOTION to table the item, and the MOTION carried without negative vote.

## **Park Commission – Trustee Wilson**

### **Park Permit Applications Filed by Daniel Maus, Park House, Thursday, October 25, 2012, 1:00 to 5:00 pm; and University of Illinois of Chicago, Miljan Simonovic, Duck Pond Recreation Area, Monday, August 20, 2012, 2:00 to 5:00 pm**

The Park Commission recommended approval of the applications as filed.

Trustee Spadoni/Trustee Gage 2<sup>nd</sup> made a MOTION to approve the park permit applications as recommended, and the MOTION carried without negative vote.

## **Pig in the Park Update**

Hayden stated that the event planning is going well. Volunteers are still needed to help on the day of the event, and the planning committee is still seeking someone to donate juice boxes.

## **Public Works – Trustee McGreevy**

### **New Utility Crew Member Hire**

Workman stated that interviews are being scheduled.

## **Construction Projects Updates**

Workman stated that people can call him if they have any questions about the ongoing projects.

## **CDA – President Petersen**

### **Update**

The next meeting is scheduled for Wednesday, August 8, 2012, at 6:00 pm.

## **F/W WPCC – President Petersen**

### **Ordinance Approving Thirteenth Amendment to IGA, Seventh Amendment to Kikkoman Contract**

Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to approve Ordinance 08-06-12-01, approving the 13<sup>th</sup> amendment to the Intergovernmental Agreement and the seventh amendment to the Kikkoman Contract, as recommended, and the MOTION carried without negative vote.

## **GLLEA Board – President Petersen**

### **Update**

Petersen stated that the monthly meeting is scheduled for Wednesday, August 8, 2012.

## **Finance Committee – Trustee Kenny**

### **2013 Budget Schedule**

Kenny stated that the preliminary budget schedule was distributed and it will be finalized at the next Finance Committee meeting scheduled for Thursday, August 23, 2012 at 6:00 pm.

## **Adjournment Village Board**

President Petersen/Trustee Kenny 2<sup>nd</sup> made a MOTION to adjourn the meeting at 8:35 pm, and the MOTION carried without negative vote.

Minutes prepared by: Dennis L. Martin, village clerk

Note: These minutes are subject to further editing. Once approved by the Village Board and Plan Commission, the official minutes will be kept on file at the Village Hall.

APPROVED: 9/4/12 – VB & PC