

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

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION

Monday, October 26, 2009

Chairman Spadoni called the monthly meeting of the Village of Fontana Plan Commission to order at 5:30 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Plan Commissioners present: Roll call: Sarah Lobdell, Chairman George Spadoni, Derek D'Auria, Sharon O'Brien, Micki O'Connell, President Arvid Petersen

Plan Commissioner late: Mike Poivey (arrived at 5:31 pm)

Also present: Administrator/Treasurer Kelly Hayden, Library Director Nancy Krei, Village Clerk Dennis Martin, Building Inspector Ron Nyman, Jerry Oglesby, Rick Pappas, Brian Pollard, Village Attorney Dale Thorpe, Tom Whowell, Director of Public Works Craig Workman

Visitors Heard

None

Announcements

1. CDA Board Monthly Meeting – **Tuesday, October 27, 2009, 6:00 pm**
2. Lakefront and Harbor Committee Meeting – **Wednesday, October 28, 2009, 4:30 pm**
3. Village of Fontana Trick or Treat Hours – **Saturday, October 31, 2009, 3:00 to 7:00 pm**
4. CDA Lakefront Building Subcommittee Workshop Meeting – **Monday, November 2, 2009, 5:00 pm**
5. Village Board Monthly Meeting – **Monday, November 2, 2009, 6:00 pm**
6. Comprehensive Master Plan Update Public Hearing – **Monday, November 9, 2009, 5:00 pm**
7. Park Commission Seeding Event at Duck Pond Recreation Area – **Saturday, November 14, 2009, 10:00 am**
8. 2010 Budget Public Hearing – **Monday, November 16, 2009, 5:00 pm**
9. Library Board Meeting – **Wednesday, November 18, 2009, 10:00 am**
10. Plan Commission Staff Meeting – **Wednesday, November 18, 2009, 1:00 pm**
11. Park Commission Meeting – **Wednesday, November 18, 2009, 6:00 pm**
12. Village Hall Closed for Thanksgiving Holiday – **Thursday and Friday, November 26 & 27, 2009**
13. Plan Commission Monthly Meeting – **Monday, November 30, 2009, 5:30 pm**

Approve Minutes

Commissioner O'Connell/Commissioner O'Brien 2nd made a MOTION to approve the minutes for the meeting held September 28, 2009, as presented, and the MOTION carried without negative vote.

General Business

CDA Request to Review Lakefront Zoning Regulations Regarding Sales Displays and Lakefront Congestion

Chairman Spadoni stated that the CDA Board requested that the Plan Commission review the lakefront zoning regulations regarding sales displays on the east side of Lake Street and lakefront congestion. Hayden stated that at the Plan Commission staff meeting it was discussed that the approved Building, Site and Operational Plans and Conditional Use Permit plans can be reviewed if directed by the Plan Commission. Thorpe stated that the first step in a review should be to check the

Village records to determine if there is a problem. O'Connell stated that the Village staff members should just pull the approval files and take a look at them to determine if the sales displays and increased congestion are allowed. O'Brien stated that she thought that staff was going to look at the records and present the information at the next staff meeting. Spadoni stated that it would be a big project that will cost the Village unavailable funds if the village attorney spends time on it, and if the Village has not received any complaints, the issue should not be pursued. Spadoni stated that the Village already reviewed the issue on at least three occasions during his tenure on the Plan Commission. Hayden stated that the Village staff members can pull the files for the lakefront businesses and review them if directed. Thorpe stated that the request could be expedited if there were a specific problem cited. Hayden stated that the boat displayed this past season adjacent to the Jerry's Marine pier on the east side of Lake Street has drawn complaints. Jerry Oglesby stated that the boat display has been approved.

Commissioner O'Connell/Commissioner O'Brien 2nd made a MOTION to direct the Village staff to review the Building, Site and Operational Plans, Conditional Use Permit and lease records for Lake Geneva Marine, Gordy's and Jerry's for boat display approval information. The MOTION carried without negative vote.

Condominium Plat Filed by Brian Pollard for Mill Street Professional Building, LLC

Brian Pollard stated that the two tenants for the Mill Street Professional Building would like to own their individual units, so the proposed Condominium Plat and Condominium Declarations were filed. Pollard stated that he has no objections to the conditions for approval suggested in the Village staff report. Hayden stated that the site includes a small area of encroachment by the Village on the professional building property, and an equal area of encroachment by the Mill Street Professional Building on Village property.

Commissioner O'Brien/Commissioner D'Auria 2nd made a MOTION to recommend Village Board approval of the proposed Condominium Plat and Condominium Declarations as filed by Brian Pollard for the Mill Street Professional Building, LLC with the conditions that the plat modifications delineated by Ruckert-Mielke are made; that the Village attorney review the condominium declarations; that the Village attorney draft the appropriate legal document acknowledging the encroachments; and that all cost recovery is paid in full prior to plat execution and recording. The MOTION carried without negative vote.

Request for Information on Homeowner's Associations

RS-1 Zoning Amendment

DMA Reviews

O'Brien stated that she met with Spadoni and Trustees Turner and O'Connell to discuss her agenda item request; however, she wanted to make a motion to address her specific area of concern. O'Brien then made a motion to authorize the Village of Fontana staff and/or Village attorney to study Fontana's lakefront zoning ordinance and report back to the Plan Commission the following: 1. Do existing ordinances clearly enforce our 2010 Comprehensive Master Plan philosophy of low density lakefront development? 2. Are there loopholes in the present zoning ordinances that allow riparian rights to be conferred to non-riparian property owners? The motion was seconded by O'Connell and discussion ensued. Spadoni stated that it was his understanding following the meeting with O'Brien, Turner and O'Connell that an amendment to the RS-1 zoning district and a new regulation prohibiting the creation of new designated mooring areas would effectively address O'Brien's concerns. O'Brien stated that she also wants staff to review the items addressed in her motion, especially the riparian rights issue. Hayden stated that if the Plan Commission were to recommend the amendment to the RS-1 district presented by Spadoni, which would be to eliminate item (a)5, they would also have to eliminate item (c)8. O'Connell stated that she does not know why the Plan Commission can't review O'Brien's riparian rights concern as well as the items presented by Spadoni. Thorpe stated that the Village staff researched the lakefront zoning ordinance in 2007, and the Village Board only adopted two of the suggested items following the extensive review. Hayden stated

that the Plan Commission members should be aware of the spending freeze before it directs the Village attorney to spend more time on the issue. Hayden stated that the Village staff could pull out the 2007 records and review them for next month's meeting. O'Brien and O'Connell then withdrew the motion on the floor.

President Petersen/Commissioner O'Connell 2nd made a MOTION to table the item and to direct the Village staff members to review the 2007 lakefront zoning ordinance amendment proposal records for next month's meeting. The MOTION carried without negative vote.

Set Public Hearing for Updated Village of Fontana Park and Open Space Plan

Lobdell stated that she added a page on the Village's grant information and corrected a few typos in the draft of the updated Park and Open Space Plan. Lobdell will make the corrections and the public hearing draft of the updated plan will be distributed by Martin.

Commissioner O'Brien/Commissioner Lobdell 2nd made a MOTION to schedule a public hearing for Monday, November 30, 2009 at 5:30 pm to present the updated Park and Open Space Plan as recommended by the Park Commission. The MOTION carried without negative vote.

US Cellular CUP Application for Tower on Village of Fontana Property – Tabled 8/31/09 & 9/28/09

Workman stated that he met with US Cellular representative Ron Zechel and they discussed the cellular telephone service dead zones in the area. Workman stated that while capacity concerns with the Village tower and funding for a potential replacement project are studied, Zechel may approach Bob Stewart with a proposal for additional US Cellular equipment on Stewart's tower in Walworth Township. Workman stated that Zechel indicated that funds may be available in the next fiscal period for US Cellular to propose a new higher capacity tower to replace the Village's current tower, which has reached its capacity.

President Petersen/Commissioner D'Auria 2nd made a MOTION to take the item off the agenda until something new is filed, and the MOTION carried without negative vote.

Adjournment

President Petersen/Commissioner Poivey 2nd made a MOTION to adjourn the Plan Commission meeting at 5:58 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 Plan Commission, the official minutes will be on file at the Village Hall.

APPROVED: 11/30/09