

## COMMON COUNCIL

January 2, 2019

A meeting of the Common Council was called to order at 7:00 p.m. by Mayor Birmingham. The Pledge of Allegiance was recited. Roll call: Catarozoli, Hayes, Ward, Avenson, Allmann, Wiederanders and Hauser.

Ward/Hauser to adopt the agenda. Hayes/Catarozoli to amend the consent agenda moving Item 7e, 7g, and 7f to the regular agenda. Amendment carried. Vote on original motion as amended. Carried.

The following people spoke during public comment: Chris Kellems, 120 Alabama St; Shawn Fairchild, 311 Pennsylvania St; and Scott Moore, 947 Pennsylvania St.

Ward/Allmann to approve the following bills - General Fund - \$482,429.92, Capital Fund - \$5,101.63, and Solid Waste Enterprise Fund - \$4,207.79 for a grand total of \$504,975.12. Roll call: All voted aye. Carried.

Ward/Catarozoli to approve consent agenda:

- a. Approval of 12/18/18 regular Common Council minutes.
- b. Approval of the following minutes:
  - (1) Finance/Purchasing & Building Committee . 12/11/18
  - (2) Joint Park & REcretaion Committee/Board . 12/12/18
  - (3) Community Protection & Services Committee . 12/13/18
  - (4) Ad Hoc West Waterfront Planning Committee . 12/13/18
  - (5) City Plan Commission . 12/19/18
- c. Consideration of: Approval of beverage operator licenses.
- d. Consideration of: Approval of Temporary Class B Beer and Temporary Class B Wine license of Gala of Giving . St. John Bosco School.
- e. ~~Finance/Purchasing & Building Committee recommendation re: Approve the proposed pre-annexation agreement with Duquaine Development, parcel #020-01-12272541B and C1 with stipulations honoring the building permits approved by the Town of Nasewaupsee for Phase I and that Phase II and Phase III need to be approved by the City of Sturgeon Bay and the annexation has to happen prior to January 1, 2020.~~ Moved to regular agenda.
- f. ~~Joint Park & Recreation Committee/Board recommendation re: Create an Ad Hoc Committee on Sturgeon Bay Waterfront Parks with an emphasis on beaches.~~ Moved to regular agenda.
- g. ~~City Plan Commission recommendation re: Amending Chapter 20 of the Municipal Code (Zoning Code) regarding Accessory Dwelling Units.~~ Moved to regular agenda.

Carried.

There were no mayoral appointments.

### RECOMMENDATION

We, the Finance/Purchasing & Building Committee, hereby recommend to approve the proposed annexation agreement with Duquaine Development, for parcel #020-01-12272541B and C1 with stipulations honoring the building permits approved by the Town of Nasewaupsee for Phase I and that Phase II and Phase III needs to be approved by the City of Sturgeon Bay and the annexation has to happen prior to January 1, 2020.

FINANCE/PURCHASING & BUILDING COMMITTEE

By: David Ward, Chr.

Ward/Allmann to adopt. Community Development Director Olejniczak summarized the pre-annexation agreement with Duquaine Development, that the comprehensive plan calls for high density in this area, that the developer wants sewer and water service and the City occasionally

allows for that service right away with a pre-annexation agreement, that the actual annexation/development would go to the City Plan Commission, a formal agreement would still need to be drafted if the proposed annexation agreement was approved. Further discussion took place regarding in-fill and if this location was a good example of in-fill, whether there were any ordinances or standards regarding new buildings and sustainability, and connectivity with other areas of the City. Hayes/Hauser to amend the pre-annexation agreement and add as part of the agreement that clearly states that Duquaine Development will consult with the City Plan Commission, Zoning Board of Appeals, and Aesthetic Design and Site Plan Review Board. The amendment was withdrawn. Avenson/Catarozoli to call for the question. Carried. Vote taken on the original motion. Carried with Catarozoli voting no.

#### RECOMMENDATION

We, the City Plan Commission, hereby recommend amending Chapter 20 of the Municipal Code (Zoning Code) regarding Accessory Dwelling Units as attached.

#### CITY PLAN COMMISSION

By: Dennis Statz, Vice-Chr.

Catarozoli/Hauser to adopt. Community Development Director Olejniczak provided a history of this particular item. He noted that R-2 already allows two family dwelling with a conditional use and that this recommendation would allow for accessory dwelling units in all areas except those zoned R-1. Further discussion took place regarding other communities that have this type of ordinance, the options of the Council and if this were approved, it would still be a conditional use process. Roll call: Carried with Hayes, Ward, and Allmann voting no.

#### RECOMMENDATION

We, the Joint Park & Recreation Committee/Board, hereby recommend to create an ad hoc committee on Sturgeon Bay waterfront parks with an emphasis on beaches.

#### PARK & RECREATION COMMITTEE/BOARD

By: Laurel Hauser, Chr.

A short discussion took place whether an ad hoc committee needed to be formed or if the committee could look into this. No action was taken.

Ward/Avenson to read in title only the first reading of the ordinance to repeal and recreate Section 28.04(2) of the Municipal Code . Historic Preservation Commission. Discussion took place regarding what %employee+meant in the code amendment. Ward/Avenson to call for the question. Carried. Vote taken on original motion. Carried.

A first reading of ordinance re: zoning code amendments for accessory dwelling units . Chapter 20 of the Municipal Code was removed from the agenda.

Catarozoli/Avenson to read in title only and adopt the second reading of the ordinance to repeal and recreate Section 1.166(2)(b)3 of the Municipal Code . Local Arts Board. Carried.

Hauser/Avenson to adopt resolution decreasing dock pass fees. Carried.

Wiederanders/Hayes to adopt the following amended Community Protection & Services Committee recommendation:

To put forth, on the April 2, 2019 ballot, a non-binding referendum regarding cannabis legalization, to gauge public opinion with a two-part question subject on legalization for medicinal purposes and recreational use for those age twenty-one and over.

Discussion took place regarding recreational use research not being conclusive, that a referendum allows public to have a voice, that the results of the referendum could be forwarded to State representatives, that the referendum is non-binding and whether there should be a

resolution by the Council, similar to the County, rather than a referendum. Carried with Ward and Allmann voting no.

Planner/Zoning Administrator Sullivan-Robinson summarized the agenda item regarding a height exemption for Historic-Designated Structures. He noted that this item was at Plan Commission but was forwarded to the Council without recommendation due to a tie vote. The Council has the option to proceed with an ordinance amendment that would allow any structure, which is currently designated as historic by the City, State, and/or Federal Register of Historic Places to be exempt from maximum height limitations outlined in Section 27 of the Municipal Zoning Code. Hauser/Avenson to amend Chapter 20 of the Municipal Code . Height exemption for Historic-Designated Structures. Carried with Ward voting no.

The following items are to appear on future agendas: Avenson - (CPS) Look at committee rules on public comments; Avenson . (CPS) Look at codes for sustainability for new builds.

The City Administrator gave his report.

City Plan Commission member Hauser, Finance/Purchasing & Building Committee chair Ward and Park & Recreation chair Hauser presented reports for their respective committees/commissions.

The Mayor made his comments.

After Mayor Birmingham announced the statutory basis, Ward/Hauser to convene in closed session in accordance with the following exemptions: Conferring with legal counsel for governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. Wis. Stat. 19.85(1)(g) Consideration of: Settlement agreement with friends of Sturgeon Bay Public Waterfront, Shawn m. Fairchild, Carri Andersson, Linda Cockburn, Russ Cockburn, Kathleen Finnerty and Christy Weber vs City of Sturgeon Bay and Waterfront Redevelopment Authority of the City of Sturgeon Bay and b. Considering employment, promotion, compensation, or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. Wis. Stats. 19.85(1)(c). Consideration of: Clerk/Treasurer Department Positions. All voted aye. Carried.

The meeting moved to closed session at 9:41 pm and adjourned at 10:26 pm.

Respectfully submitted,

Stephanie L. Reinhardt  
City Clerk/HR Director