

**Village of North Bay Board of Trustees**  
**Friday, February 19th, 2021 | 11:00 AM**



**Virtual Stand Up Meeting Meeting Minutes**

**Roll Call - Board Attendees** | President Roger Mellem, Trustee #1 Paul Schroeder, Trustee #2 Rick Cermak, Constable Kristin Wright, Treasurer Robert O'Brien, Clerk Dori Panthofer

**Village Counsel** | Village Attorney Chris Geary, Pruit, Ekes & Geary. S.C.,

**Public Attendee** | Mark Schall (3644 N Bay Dr).

**Called to Order** | President Mellem called the stand up meeting to order 11:06 AM. The meeting began late due to login delays by one Trustee. The meeting had 2 purposes. President Mellem referenced the emails that included sample forms from Wind Point related to culverts and Wind Point building regulations and asked the Board to keep this meeting simple and limit today's discussion to Constable Wright's initial inquiry related to the "McMansion" concerns that require Attorney Geary's services. At a later date, the Board may choose to review the additional items related to Building & Zoning. President Mellem invited feedback. Constable Wright concurred.

President Mellem restated that the initial inquiry pertained to identifying the language changes necessary to North Bay Building & Zoning Ordinances to prevent the construction of McMansions and asked Attorney Geary if we can keep it to square footage and lot size, etc.? Attorney Geary stated the language he forwarded pertained only to those issues and acknowledged that other items may need updating depending upon what the final ordinance ultimately looks like. Attorney Geary also referred to the demolition piece, which President Mellem acknowledged since demolition precedes new construction.

Attorney Geary stated language revision provides North Bay with a few tools to address McMansions, including:

- Lot area limitation: This factors in the footprint of the building plus accessory building(s) and the lot size and caps therein. This squashes the building area into two dimensions and percentable is applied and it's capped.
- Floor area ratio uses the 2 dimensional area and expands it up. For example, if the rules allow for 40% of the lot size to be developed, a dwelling could be constructed up to the maximum height stated in the ordinance, and the structure could be much larger than the surrounding dwellings. Some communities factor in the total floor area which includes second stories, living area above the garage, and built out basements, anything that can be used to limit the scale so new construction is limited to within the scale of the neighborhood.

Limits vary by community based upon the goal. If the goal is to make sure new houses are consistent with the existing architecture, Attorney Geary recommends surveying the current housing stock to identify averages and allow a 10% to 20% change instead of setting a random number.

President Mellem asked, "Who would do the survey?" Attorney Geary responded that he could, but the Village could do it faster and cheaper. Treasurer O'Brien stated he knows how to obtain the facts from Assessor Henke.

Per Attorney Geary, factors may differ according to district R1(east of North Main Street) and R2 (west of North Main Street). Per Attorney Geary, a more defensible and prudent approach is to establish numbers that reflect R1 lots and houses are presumably larger than R2. In response to Constable Wright's question why the recommended factor increased from 10% to 20%, Attorney Geary stated that 10% may be too restrictive. The Board needs to find a number that makes sense for North Bay, it could be 10 or 20%.

Treasurer O'Brien will obtain the necessary data from Assessor Henke. Clerk Panthofer referred to three consecutive lots on South Vincennes that, if purchased by one buyer, would be a very large parcel. Attorney Geary stated language could include a percentage of the lot size plus and absolute maximum square footage.

Trustee Schroeder asked if a potential buyer that wanted to combine lots would be required to obtain Board approval because setbacks exist. Attorney Geary stated they would have to (legally) combine the lots.

Per President Mellem, further discussion will occur following Treasurer O'Brien's discovery on square footage. One property is up for auction anytime after April 26th, 2021.

Attorney Geary stated that if the Board is very concerned, the Board could quickly put in a number just to have something on the books. Per Attorney Geary, legally, an applicant is bound to the Building & Zoning codes in effect as of the submission date of an application and are not subject or bound to any code changes approved after the application submission date.

President Mellem stated that in a way that's what we are doing right now by saying that we are not worrying about the other matters and keeping it simple to the McMansion concerns. If we can come up with a number that Treasurer O'Brien will supply, we can come up with an ordinance based on that.

Attorney Geary reviewed that all Planning & Zoning Ordinances require a Public Hearing and Class 2 Notice in addition to a Planning & Zoning recommendation. Lead time is generally 3 weeks. Per President Mellem, the Board and Planning & Zoning Commission can meet on demand. Attorney Geary stated the meetings can be on the same night to accelerate the process. No further comments were presented. President Mellem closed the discussion and instructed non-Board Member attendees to exit the meeting with the exception of Attorney Chris Geary. Mr. Schall said goodbye and exited Zoom at 11:17AM.

**Closed Session** | Chris Geary stated that a Board Member must read the motion exactly as it appears on the Agenda, which requires a first and second motion, followed by Roll Call vote.

Clerk Panthofer confirmed that Mark Schall exited Zoom meeting and announced that no others

can join Zoom. Clerk Panthofer read the following aloud: "Motion to go into closed session, pursuant to Wis. Stat. 19.85(1)(g), to confer with legal counsel who is rendering advice concerning strategy with respect to litigation in which the Village is likely to become involved, pertaining to Lighthouse Drive claim." President Mellem asked for someone to make the motion. Constable Wright stated "I motion." Trustee Cermak stated "I'll second."

Clerk Panthofer recorded the roll call vote: President Mellem: YES; Trustee Cermak: YES; Constable Wright: YES; Trustee Schroeder: YES. Note: Treasurer O'Brien and Clerk Panthofer are non-voting members.

The Open meeting officially ended at 11:19 AM.