

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

SPECIAL JOINT WORKSHOP SESSION of the VILLAGE OF FONTANA
BOARD OF TRUSTEES with PLAN COMMISSION
Monday, February 27, 2012

Village President Arvid Petersen called the special meeting of the Village of Fontana Board of Trustees and Plan Commission to order at 5:45 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Plan Commissioners present: Roll call: George Spadoni, Sarah Lobdell, President Petersen, Derek D’Auria, Harry Nelson

Plan Commissioners absent: F.J. Frazier, Micki O’Connell

Village Board members present: Roll call: President Petersen, George Spadoni, Cindy Wilson, Tom McGreevy, Pat Kenny

Village Board members absent: Peg Pollitt, Bill Gage

Also present: Skip Bliss, Dr. Jeremy Bria, Bob Chanson, Ken Etten, Julie Friestad, Amy Giovannoni, Administrator/Treasurer Kelly Hayden, Jay Hicks, Eric Hurkman, Robert Ireland, Lynn Ketterhagen, Library Director Nancy Krei, David Lindelow, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, Peter Novak, Building Inspector/Zoning Administrator Ron Nyman, Village Planner Mike Slavney, Village Attorney Dale Thorpe, Scott Vilona, Tom Whowell, Director of Public Works Craig Workman

Joint Meeting Business

Chapters 17 and 18 Final Draft – Provide Direction

President Petersen stated that a lot of misinformation was spread over the weekend with regard to the direction provided by the Village Board and Plan Commission at the January 30, 2012 workshop meeting and the signage regulations in the existing and rewritten zoning code. Petersen stated the contrary to emails and letters distributed by Trustee George Spadoni that stated that the Village was considering banning the flying of flags and banners, including the American Flag, the Village Board and Plan Commission members do not have any desire or any authority to ban the flying of the American Flag. Petersen stated that direction was provided regarding commercial signage, including fluttering, undulating, swinging, rotating or otherwise moving signs, flags, pennants and sequin-like business signs. Petersen stated the rewritten draft of the zoning code still includes the provision that has been included in the code for the past 20-plus years that states signs do not include “the flag or emblem of any nation, organization of nations, state, city, religious, fraternal, or civic organization; merchandise and pictures or models of products or services incorporated in a window display; works of art which in no way identify a product; or scoreboards located on athletic fields.” Thorpe stated that the current and rewritten draft of the zoning code does not include the authority to craft unique sign regulations for Planned Developments, and the Village Board has indicated an interest in allowing such flexibility. Thorpe stated that there has been a great deal of discussion the last few days with regard to the sign ordinance and its affect on flags as a form of regulated signage. Thorpe stated that the current regulations and proposed regulations are essentially the same with regard to flags as signs. Thorpe stated that American Flags and other similar type flags are exempt under the proposed new code and the existing code. Slavney stated that the signage regulations of the current zoning code recently have not been enforced to their full extent on direction of the Village Board. Slavney stated that the rewritten zoning code should be drafted to make the signage rules the way the Village Board members want it to be and the way they want it enforced by village staff. Slavney stated that if desired, he can draft language that will allow signage regulations to be flexible for Planned

Developments. At the last workshop meeting, the Village Board directed Slavney to not allow for flexibility on signage standards for Planned Developments. Spadoni stated that the Village should consider defining what type of signs it does not allow instead of defining what is allowed. Spadoni stated that it would avoid confusion if the code just stated what the Village does not want. Spadoni stated that the language in the draft that prohibits fluttering, undulating, swinging, rotating or otherwise moving signs, flags, pennants and sequin-like commercial signs should be removed. Lobdell stated that whatever is decided by the Village Board, it should be codified and controlled. Slavney stated that if directed he could draft language to define what commercial flag signs would be permitted and distinguish them from signage that would not be permitted; to establish limits for the number and size of allowable commercial flag signs; to define which zoning districts that commercial flag signs are allowed; and to define what would be considered a permanent sign and what would be a temporary sign. Following further discussion on commercial flag signage, Thorpe stated that a motion to direct Slavney to draft a zoning code signage section as described would be appropriate. Commissioner Spadoni/Commissioner Nelson 2nd made a MOTION to recommend that the Village Board direct Village Planner Mike Slavney to draft language for the rewritten Chapter 18 that defines what commercial flag signs would be permitted and distinguishes them from signage that would not be permitted; that establishes limits for the number and size of allowable commercial flag signs; that defines which zoning districts that commercial flag signs are allowed; and that defines what would be considered a permanent sign and what would be a temporary sign. The MOTION carried without negative vote.

President Petersen/Trustee Kenny 2nd made a MOTION to direct Village Planner Mike Slavney to draft language for the rewritten Chapter 18 that defines what commercial flag signs would be permitted and distinguishes them from signage that would not be permitted; that establishes limits for the number and size of allowable commercial flag signs; that defines which zoning districts that commercial flag signs are allowed; and that defines what would be considered a permanent sign and what would be a temporary sign. The MOTION carried without negative vote.

Spadoni stated that with regard to Section 4 of Slavney's February 23, 2012 memorandum on the direction provided at the last workshop meeting, the new language added to Section 18-197(b) should be removed and the language that was deleted should be put back in.

Commissioner Spadoni/Commissioner Lobdell 2nd made a MOTION to recommend that the Village Board direct Village Planner Mike Slavney to delete the new language added to Section 18-197(b) and to add the language back to the section that was taken out so that the section reads as follows: "No fluttering, undulating, swinging, rotating, or otherwise moving signs or other decorations, including flag, pennants, and sequin-like eye-catcher devices shall be permitted, with the exception of "Open for Business Signs" described in Section 18-202(c)(9). The MOTION carried without negative vote.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to direct Village Planner Mike Slavney to delete the new language added to Section 18-197(b) and to add the language back to the section that was taken out so that the section reads as follows: "No fluttering, undulating, swinging, rotating, or otherwise moving signs or other decorations, including flag, pennants, and sequin-like eye-catcher devices shall be permitted, with the exception of "Open for Business Signs" described in Section 18-202(c)(9). The MOTION carried without negative vote.

Following the lengthy discussion on the signage misinformation, Spadoni distributed photocopies of eight pages of flags and banners, all of which are permissible under the current and rewritten zoning codes. Thorpe stated that if the Village Board wants to codify its recent approval of unique signage standards for Planned Developments, staff should be directed to draft the language for the rewritten Chapters 17 and 18.

Commissioner Spadoni/Commissioner Nelson 2nd made a MOTION to recommend that the Village Board direct staff to draft language for Planned Development Zoning Districts that allows for flexibility on the signage regulations, and the MOTION carried without negative vote.

Trustee Kenny/Trustee McGreevy 2nd made a MOTION to direct staff to draft language for Planned Development Zoning Districts that allows for flexibility on the signage regulations, and the MOTION carried without negative vote.

Schedule for Project Finalization & Schedule Public Hearing If Appropriate

Slavney stated that he can make the changes directed that night and have the updated sections ready for review at the monthly meeting of the Village Board scheduled for Monday, March 5, 2012.

Thorpe stated that he had received from Geneva Lake Conservancy Attorney William O'Connor a draft of proposed amendments to the village anti-pyramiding ordinance that also could be presented at the March 5, 2012 meeting and possibly incorporated into the rewritten Chapter 18. Petersen stated that if the rewritten drafts are approved for publication on March 5, 2012, a public hearing could possibly be scheduled on the date of the next monthly meeting of the Plan Commission on Monday, March 26, 2012. Petersen asked the Plan Commission members if they could attend a special meeting March 5, 2012, and Nelson stated that he will be out of town.

Commissioner Lobdell/Commissioner D'Auria 2nd made a MOTION to schedule a special joint session workshop meeting with the Village Board to consider the updated drafts of the rewritten Chapters 17 and 18 of the Village of Fontana Municipal Code on Monday, March 5, 2012, at 5:30 pm. The MOTION carried without negative vote.

Petersen stated that the meeting business had been concluded, but he had forgotten to ask any members of the large audience if they wanted to speak. Dr. Jeremy Bria of Fontana Family Chiropractic stated that he wanted to thank the Village Board for approving the new sign for his business and stated he would have attended the meeting at which it was approved, but he did not receive a telephone call informing him of the meeting date. Motions to adjourn the meeting were then made and approved. Hayden tried to state that there were seven other sections of Slavney's memo that had not been discussed and staff still requires direction in order to complete the preliminary drafts of the new Chapters 17 and 18; however, the Plan Commission members and audience members were all exiting the meeting room.

Adjournment

Commissioner Spadoni/Commissioner D'Auria 2nd made a MOTION to adjourn the Plan Commission meeting at 6:19 pm, and the MOTION carried without negative vote.

President Petersen/Trustee Spadoni 2nd made a MOTION to adjourn the Village Board meeting at 6:19 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 on file at the Village Hall.

APPROVED: 3/5/2012 – VB; 3/26/2012 – PC