

VILLAGE OF FONTANA ON GENEVA LAKE
Walworth County, WI

Lakefront and Harbor Committee
Wednesday, January 26, 2011
(Official Minutes)

The monthly meeting of the Lakefront and Harbor Committee was called to order at 4:30 pm on January 26, 2011 by Chairperson Micki O'Connell.

Roll Call: Trustee Micki O'Connell, Bob Chanson, Rick Pappas, Joel Bikowski, Ed Snyder, Lee Eakright, Steve Beers (arrived at 4:43 pm)

Also Present: Jere Eyer, Kevin Kirkland, Village Clerk Dennis Martin, Tom Whowell

Visitors Heard

None

General Business

Approval of Minutes for Meeting Held December 1, 2010

Pappas/Eakright 2nd made a MOTION to approve the December 1, 2010 minutes as amended, and the MOTION carried without negative vote.

Kevin Kirkland Proposal to Host Spring Event

Kirkland stated that he would like to host a relay race with kayaks and paddle boards at the Fontana beach on Saturday, May 7, 2011. Kirkland stated that the Icebreaker Kayak/Paddleboard Race course would be out to a buoy and back for a total distance of one mile. In response to a question about parking, Kirkland stated that his Fontana Paddle Company will supply the equipment, so participants will be able to park in any of the lakefront lots or parking stalls. Snyder/Chanson 2nd made a MOTION to recommend Village Board approval of the Icebreaker Kayak/Paddleboard Race on the Fontana beach Saturday, May 7, 2011 as presented, and the MOTION carried without negative vote.

Lombardo Pier Permit – Tabled 12/1/10

Margaret Lombardo submitted to the Village on December 9, 2010 a copy of the minutes from the annual meeting of Clear Sky Lodge Condominium Association at which the pier modification plan received approval from the association membership. O'Connell stated that she thinks the proposal has to go to the Plan Commission and Village Board for approval of an amendment to the Precise Implementation Plan for the Clear Sky Lodge Planned Development zoning before the permit can be approved. At the December 1, 2010 Lakefront and Harbor Committee meeting, Building Inspector Ron Nyman stated that if the Village receives notification that the Lombardo pier modification plan has been approved by the association membership, the permit can be presented to the committee and Village Board for consideration. Assistant Zoning Administrator Bridget McCarthy stated at the December 1, 2010 meeting that following the approval process for the Lombardo pier plan, the association should seek approval for an amendment to the Precise Implementation Plan for the Clear Sky Lodge Planned Development to update all the piers that have been modified or changed since the initial approval on August 1, 1988. Pappas stated that he also has concerns with a restrictive covenant which requires a 50-foot offset from the east property line of the association property and if that offset requirement extends into the lake. Pappas stated that if the restrictive covenant also pertains to the lake, the new pier plan extends into the 50-foot setback area. The committee directed Martin to check on the requirement to amend the PIP, which is delineated in the minutes for the December 1, 2010 committee meeting

and is included above; and to check with the Village attorney on the 50-foot setback called for in the deed restriction to determine if it has any bearing on the pier permit application. Pappas/Chanson 2nd made a MOTION to table the item, and the MOTION carried without negative vote.

DMA Reviews for Codification Project – Clarify Belvidere Park Association Approval

Belvidere Park Association lakefront director Jere Eyer attended the meeting to verify the mooring area description and diagram that the committee approved at its October 27, 2010 meeting. Eyer stated that the discrepancy between the diagram and what was printed in the initial minutes for the meeting did not match, so he contacted the Village clerk to straighten out the matter. Eyer has subsequently met with O’Connell and Pappas to discuss the situation and following discussion it was determined that the discrepancy is with regard to 23 feet of ramp space. Eyer presented association and village records to explain how he came up with the 4 sailboat hoists, 119 feet of ramp space, 3 PWC lifts, 14 slips, and 13 mooring buoys that are mapped out on the diagram approved at the October 27, 2010 committee meeting. The diagram also maps out the location of a 21-foot swim pier, two swim rafts and two No Wake buoys in the Belvidere Park Association DMA. Eyer stated that the association and village records show that 19 buoys were approved in 1990 and that the initial numbers presented to the committee on October 19, 2010 were based on Pappas counting what was installed last season. Eyer stated that although approved, the association only installs the buoys that are going to be used each season. Pappas stated that in meeting with Eyer, he was hesitant to authorize 134 feet of total ramp space without input from the rest of the committee members. Pappas stated that other than the issue with the ramp space, he was comfortable approving the rest of the association’s DMA. Chanson/Snyder 2nd made a MOTION to approve the Belvidere Park Association Designated Mooring Area diagram and totals as presented and approved October 27, 2010, and the MOTION carried without negative vote.

Commercial Launch Rate Review – Tabled 9/29/10, 10/27/10 & 12/1/10

At last month’s meeting a motion was made and seconded to recommend that the commercial launch rate be eliminated and that business owners be charged on the same scale that is used for resident and nonresident boat launches; however, the motion was tabled in order to receive input from all the committee members. Bikowski stated that the commercial launch rate was established in 2002 and it has been working out well and he asked why eliminating the commercial rate was being proposed. O’Connell stated that the commercial launch rate has been changed a little over the years, but the total number of commercial launches and revenue has decreased. O’Connell stated that the one major commercial customer now does almost all of its launching at the Abbey Harbor, so it would be a good time to eliminate the commercial rate and match the other municipal boat launches on Geneva Lake. O’Connell stated that the Village of Fontana has been the only municipality to offer a reduced commercial rate for launching. Pappas stated that the proposal to eliminate the commercial rate was initiated during previous discussions on the fact that fulltime, property owning residents had to pay more to launch their boats than nonresidents who had their boats launched by businesses. Tom Whowell stated that his business was one of the commercial launchers; however, his business and his residential properties also are all located in the Village of Fontana. Whowell stated that the committee established the reduced rate to help out local business owners, who do not park vehicles in the boat trailer parking lot after launching boats and who take far less time getting boats in and out of the water. Whowell stated that the commercial rate was meant to provide a benefit to the business owners and to help increase revenue for the village. Whowell stated that at a time when the Village is in need of revenue sources, his business could provide revenue for using the launch. Whowell stated that if the Village were to offer him a good deal, he would use the launch again and provide extra revenue to the Village. Chanson stated that if it is the Village’s goal to get as much volume and

revenue out of the launch as possible, a \$10 flat rate should be adopted for all launches; however, the boat trailer parking lot has been reduced and the lake does not have enough room for an unlimited number of boats. Chanson stated that the committee made a recommendation last year to lower the rates to bring them in line with the commercial rate; however, that proposal was rejected by the Village Board. Eakright stated that he does not think the issue of commercial launchers not using a parking stall outweighs the issue that fulltime residents and property owners were paying more to launch their boats than nonresidents who had their boats launched by businesses. Whowell stated that Gordy's does a lot of charitable work for the Village and its civic organizations, from the annual Easter Egg Hunt to the Pig in the Park fund-raiser, and the commercial rate used to be a small benefit that his business received from the Village. Pappas stated that he would support a recommendation to abolish the commercial launch rate; however, the Village should offer a billing system for the marina businesses that do use the village launch. Beers stated that he thought the proposal to reduce all the launch rates in lieu of eliminating the commercial rate should be proposed again. Pappas stated that the Village Board did not support the proposal last year and he did not think it would support it again this year. O'Connell stated that she thinks the Village should try it for one season with no commercial launch rate. Bikowski stated that the committee voted at its last meeting to approve a proposal that cost the village \$5,000 in revenue and if the commercial launch rate is eliminated, the village will be losing more revenue.

Pappas/Eakright 2nd made a MOTION to recommend that the Village Board abolish the commercial launch rate, and that a billing system for commercial launches be established using the boat launch rates for residents and nonresidents. The MOTION carried on a 4-3 vote, with Beers, Snyder and Bikowski opposed.

Ordinance Amendment Recommendation on Ending Launch Season Extension & Adding Honor Box Dates to Ordinance

O'Connell stated that the committee previously voted to recommend that the trial period be ended for manning the village launch until the end of October each season. Prior to last season's trial period, the launch was manned from April 15 to October 15 each year. O'Connell stated that the Village lost about \$138 keeping the launch manned until October 31 last season. O'Connell stated that the draft ordinance amendment distributed for the committee's review that night calls for the launch access fees section of the Municipal Code to be amended to state that the launch fees should be imposed and charged for each launch as long as there is open water and that the dates should be eliminated from the section. O'Connell stated that the draft ordinance amendment distributed for the committee's review also includes a new section that states: "All launches shall be paid for during the designated timeframe listed in Section 54-161 (d)(4). In the event the launch is not staffed, the honor box shall be utilized." Whowell stated that the commercial launchers are the only ones using the launch after the season and making them pay into the Honor Box is sticking the business owners with another financial hit. Whowell stated that the Honor Box should only be in place during the season and used when the launch is not manned. Chanson stated that many of the business owners already are not paying the Honor Box and to adopt the new regulation would be sticking it to the people who are actually paying the Honor Box. Chanson stated that the launch season and Honor Box collection should be set the same at April 15 to October 15. Pappas stated that he would support a recommendation to return the manned boat launch season and amend Section 54-161 (d)(4) to state "shall be charged from April 15 to October 15" and to approve the creation of Section 54-161 (h) to state, "All launches shall be paid for during the designated timeframe listed in Section 54-161 (d)(4). In the event the launch is not staffed, the honor box shall be utilized."

Pappas/Snyder 2nd made a MOTION to recommend Village Board approval of a ordinance amendment to Section 54-161 (d)(4) that states, "Launch access fees are imposed for each launch, as said term is defined herein, and shall be charged from April 15 to October 15 of each year as

follows”; and to create Section 54-161 (h) to state, “All launches shall be paid for during the designated timeframe listed in Section 54-161 (d)(4). In the event the launch is not staffed, the honor box shall be utilized.” The MOTION carried without negative vote.

DNR Pier Permit Registration Requirements/Process – April 1, 2011 Deadline

Bikowski stated that he asked for the agenda item to discuss how the homeowner’s associations are registering the individual piers with the DNR. Bikowski asked if individual property owners have to register the piers or is the entire DMA supposed to be registered by the associations when a pier is located in an association’s DMA. Pappas stated that Pam Schense with the Wisconsin DNR has indicated that the April 1, 2011 deadline to register existing piers with the DNR in order to preserve grandfathering status may be extended because of piers not being installed during the winter months and property owners not being able to complete the application without the exact pier dimensions. Pappas stated that as far as the association DMAs, the owner of the riparian rights has to register the piers, so it would be up to the associations to register the piers not individual property owners. The committee directed Martin to contact Schense to inquire on the process of registering the existing piers in the association DMAs and if the April 1, 2011 registration deadline will be extended.

Set Next Meeting Date

The next monthly meeting date is Wednesday, February 23, 2011 at 4:30 pm.

Adjournment

Chanson/Eakright 2nd made a MOTION to adjourn the meeting at 5:27 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 Lakefront and Harbor Committee, the official minutes will be kept on file at the Village Hall.

APPROVED: 2/23/2011