

**COMPREHENSIVE PLANNING OVERSIGHT COMMITTEE
OCTOBER 11, 2012
COUNTY BOARD ROOM
ONEIDA COUNTY COURTHOUSE
RHINELANDER, WI 54501**

Members present: Chairman Gary Baier
Harland Lee
Don Sidlowski
Tom Rudolph
Bob Metropulous
Scott Holewinski
Mike Timmons
Mark Pelletier

Member Excused: Billy Fried

Department staff present: Karl Jennrich, Planning & Zoning Director
Julie Petraitis, Planning & Zoning Secretary

Other county staff present: Brian Desmond, Corporation Counsel

Guests present: Marcus Nesemann, River News
Bill Treder, Town of Crescent
Bob Reimert, Town of Nokomis
Sandy Verhulst
Jay Verhulst
Dave Schatzley, Town of Lynne

Call to order.

Chairman Gary Baier called the meeting to order at 1:00 p.m., in accordance with the Wisconsin Open Meeting Law. For the record, Billy Fried was excused.

Approve the agenda:.

Motion by Harland Lee, second by Tom Rudolph to approve today's agenda with the exclusion of item #7 for the reason that it is a letter not addressed to this Committee nor requested by this Committees. It is a letter from a Consultant from some of the Towns and the topic of the letter is the ability of Town Government to stop or hinder the adoption of a Comprehensive Plan. That is not the purpose of this Committee. This Committee is to develop a Comprehensive Plan under the order of the Oneida County Board of Supervisors. This is not a proper topic for the Committee to consider when there is so much work to be done.

Discussion on the motion:

Mr. Baier asked Mr. Desmond if the Committee should not discuss the letter. Mr. Desmond stated that if the Committee wants to discuss it they can, but they have to take a vote on Mr. Lee's motion. If the motion fails to approve the agenda with the exclusion of that item then it will be proper to discuss the letter. It's a decision the Committee has to make. Mr. Baier then asked if someone could make a motion to amend the agenda to allow item #7. Since it is on the agenda that motion doesn't have to be made. Mr. Desmond stated that it will take a 2/3 vote to change the agenda. On roll call vote: Harland Lee, aye; Don Sidlowski, aye; Tom Rudolph, aye; Bob Metropulous, aye; Scott Holewinski, nay; Gary Baier, nay; Mike Timmons, nay; Mark Pelletier, nay. Motion failed.

Motion by Scott Holewinski, second by Mark Pelletier to approve the agenda with the exclusion of item #11. With 7 members voting aye and one member voting nay, the motion carried.

Approve meeting minutes of August 8, 2012.

Motion by Scott Holewinski, second by Bob Metropulous to approve the meeting minutes of August 8, 2012 as presented. With all members present voting aye, the motion carried.

Approve meeting minutes of September 5, 2012.

Motion by Mike Timmons, second by Harland Lee to approve the meeting minutes of September 5. Scott Holewinski stated that the "man from audience" on the last page should be changed to Brian Pitlik. With that change, all members present voting aye, the motion carried.

Public participation: Suspension of the rules.

Motion by Scott Holewinski, second by Mark Pelletier to allow the public to participate under item #8 of today's agenda.

Mr. Sidlowski objected to the motion and asked for a roll call vote. A 2/3 vote will be needed to approve the motion by Holewinski.

On roll call vote: Lee, nay; Sidlowski, nay; Rudolph, nay; Metropulos, nay; Holewinski, aye; Baier, aye; Timmons, aye; Pelletier, aye. Motion failed.

Public Comments:

Dave Schatzley, Town Chair of Lynne. He wanted to clarify that comments that were made earlier about the purpose of this Committee is to develop a Land Use Plan. A lot of times it is forgotten what is taken for granted. The Committee was given the task of creating a good land use plan. The Towns have attempted to assist the Committee with that. In his opinion, so far all they got is the "talk to the hand" attitude. The purpose of the letter was to tell the Committee that the Towns do have a stake in the Comprehensive Plan. If the Committee isn't going to play nice, they (the Towns) aren't going to play nice. (ANGRY) Mr. Schatzley stated that he is sick of being treated like this by too many people on the County Board. He is mad, and sick of it. He's looking into what power he has. He stated that the Committee should look around and see who is in the sandbox before they start pitching sand at them. Just like the Mining Committee, this (developing a Comprehensive Plan) hasn't been done right from the start. They didn't get the people

they should have gotten involved from the beginning. The Towns came to the Committee just in the nick of time before they passed a bad Plan. The Towns said the Committee needs to look at the Plan and all the Committee did was complain. If the Committee passes a bad plan, this is not a threat, he will read it better than he has already and he will rub it in the Committee's faces.

Mr. Metropulous stated that he doesn't feel the Committee should take comments like this from anyone. It is inappropriate. Mr. Rudolph agreed.

Mr. Schatzley stated that it is the 1st amendment.

Mr. Metropulous stated that there is a way ...

Mr. Baier stated that this is Public Comment and the Committee is not to respond.

Mr. Reimert, Town of Nokomis, stated that he's been on his Town Committee for 2 ½ years. Right now he feels that for 2 ½ years this has shown him absolutely nothing. He stated the Towns are trying to help the Committee create a good Plan for all of Oneida County. The Plan the Committee is going to pass has been recreated by the Towns that will give every Town their own jurisdiction on how they want their Town run. He personally can't see a handful of people telling him what to do if it's not written in their own Town language. This is supposed to be a democracy. He doesn't see it.

Review letter from Davis / Kuelthau, Attorneys at Law.

Mr. Sidlowski asked if they could hear from Corporation Counsel if he has reviewed the letter and what his legal opinion is, on behalf of Oneida County.

Mr. Desmond stated that he has read the letter. He stated that it seems that the conclusion is in conformity with what the County Board the Plan should involve. This letter really only talks about the Land Use provision of the Comprehensive Plan. There are other elements that are consumed in the Comprehensive Plan. This is basically stating that the Town's Plans for Land Use should be included in the County Plan. It is the directive of the County Board, at this time, to include that and he feels the County has done that. There is at least one incident where there was an inconsistency between the Town and County Plan and it was revised to be consistent. It seems to Mr. Desmond that the letter is proposing that the Town's Master Plans or Land Use Plans are part of the Comprehensive Plan and should be incorporated into the County's Plan, which is what the County Board directed the Committee to do.

Mr. Baier stated that it is a letter of information.

Mr. Holewinski stated that on Page 6 the letter talks about Ordinances that must be consistent with the Comprehensive Plan. Once the Comprehensive Plan goes into effect this is where the County Ordinances will be changed to match the Plan. Which plan then

will the Ordinance be consistent with? The Town Plan or the County Plan? The Committee needs to be careful what is written into the Comprehensive Plan.

Mr. Baier added that each Town Plan is a little different from the next. His goal is to see that each Town Plan is protected. If one paragraph in the County Comprehensive Plan would state that the Town Plan cannot be superseded by any other Town or any other form of Government, such as the County. That will protect the Plans and the investments put into creating the Plans. He believes every Town would like to see the same thing. Plans can be modified and changed as time moves on.

It was stated by Mr. Metropoulos and Mr. Sidlowski that language to that effect was approved at the July meeting. It will be inserted into Chapter 1.

Mr. Baier suggested there be language added to the previously adopted language so that it stands out.

Mr. Sidlowski stated that the understanding is that the language will be in bold print.

Mr. Holewinski asked how the future decision makers, even with that language inserted, will determine which Plan to go by? Are they going to decide what's best for the County and not care what the Town Plans are? This was all supposed to be a bottom-up Plan. To sit here and say this is what we think in our minds is what the County should have is not what the County Board voted for as a bottom-up process. Even though we get through this, and not allow the public to comment at these meetings, this thing is going to go to the County Board and it will fail. He believes there are enough Board members to vote this down with all the stuff that happened on this Committee, without allowing the public participation during the meetings. The comment was made that the Committee is in favor of and the most important thing is public participation but it can't be just at the public comment portion after all the decisions have been made. He believes no matter what the Committee does when the Plan goes to County Board he doesn't believe it will pass the County Board. There's too much confrontation over this because it wasn't done in a bottom-up approach.

Mr. Rudolph stated that they have heard they are not following the democratic process or democracy. Fifteen of the Towns, when they were asked to review and comment on this Plan that was developed a year and a half or more ago, agreed that they had no objections to the Plan. Now, there are five Towns that are coming up with, based on a consultant's recommendations, changes to this Plan. What is the Committee doing here? Is the Committee listening to a minority or are they disapproving something that the majority wants? How long can the Committee keep going back and forth? If all the changes are made that five of the Towns want and 15 of the Towns have not seen these changes and had a chance to review them, is the Committee going to keep going back and forth forever on this? This Plan was ready to be approved a year and a half ago. As mentioned a number of times here, he thinks this Committee is wasting our County's taxpayer's money. Each Town has their own Plan. The County needs an overall Plan. The needs are

different, the requirements are different and the demographics are different. So the Town Plan applies to the Town and the County Plan applies to the County. If there are conflicting issues those are taken up on a case by case basis. He, for one, feels that the Committee is wasting the taxpayer's money the way this has been going the last year and a half. There was a long delay after the Committee approved a Plan and voted it go to the County Board. There was a long delay, there weren't any meetings, and the Committee came back to comments from five of the Towns that hired a consultant. So here the Committee sits going round and round on a merry go round and getting nowhere.

Mr. Baier stated that he agrees with some of what Mr. Rudolph said. However, there are twenty Towns in Oneida County and one City and all have done their Land Use Plan/ Comprehensive Plan. The Committee took a template from the southern part of the State that didn't even affect Oneida County and now modifications have been made. They did what the people from the Towns wanted and made changes. Now they see what's happened in the past and want to do the right thing for the people they represent. He feels this is a huge issue because when you look at 66.1001 and controlling of land and everything else. He thinks the property owners need to know what the Committee is doing so the people can be protected.

Mr. Metropulous stated that he can't believe that the people sitting here don't understand the composition of a Comprehensive Plan. A Comprehensive Plan is just that. It's a Plan. It's not law, it's not zoning. It's a simple as that. The Town of Newbold has made changes in its Plan. There were some issues and they dealt with the County on an issue. It's a business Plan that changes from year to year.

Mr. Lee pointed out that this Committee has had two Public Hearings already where there was very little comment from the Public. They did receive some substantial comments from, basically the five Towns referred to, and the Committee has gone through them line by line. He isn't sure what the number is, but he'd be willing to guess that the Committee adopted 98% of the suggestions submitted. There are still more suggestions to go through and chances are the Committee will do the same thing with those comments. Does that no indicate that the Committee is receptive to those suggestions? That the Committee is looking at them and modifying what has been done? It is in Mr. Lee's mind. He's as concerned as the next person that one Government body does not overrule another. He doesn't think that's really happened in Oneida County. If there is a conflict between the Town and the County, it's worked out. He's seen it worked out. He's sure the rest of the Committee has, too. No matter what they Committee does, they will never come up with a perfect Plan that satisfies everyone. He's willing to bet that no matter what the Committee comes up with they will be able to work out whatever differences are in those Plans because the County has the kind of people that can do it.

Mr. Sidlowski wanted to clarify a point made by Supervisor Holewinski because he leaves the impression that the Committee is purposefully and willingly leaving out the ability of the public to participate. Resolution 83-2009, which was adopted unanimously by the Oneida County Board of Supervisors with 18 ayes, 3 absent and 0 nays. It is for the adoption of a

Public Participation Plan which consists of background objective and techniques. The techniques for that Plan outline what this Committee and the County Board was to have done with respect to involving the public. There are eight items in the Public Participation Plan which include having materials available, having open house meetings, holding public hearings, including time for public comment at every meeting. Nowhere does it say that the Committee was to have members of the public become members of the Committee in open discussion. With respect, Mr. Sidlowski disagrees with Mr. Holewinski's suggestion that the Committee is somehow doing something wrong by not opening the meetings up to everybody who wants to come to every meeting and engage in back and forth discussion.

Mr. Pelletier stated that he thinks the real problem is the word jurisdiction. The County Plan is not going to match the Township Plan. It is impossible. Every Township comes in with their own Plan. How can the County write one template over the top of something that is underneath twenty different ways? If the Townships know that the County can't have the jurisdiction over them it takes their concerns away. Their Plan is not going to match whether you do it from the ground up or not. He realizes that's what the Committee is supposed to do, but there is no way, no matter how many times it goes back and forth in this, you can't make every Townships desire into one sentence because every one of them is different. It gets down to jurisdiction.

Review comments from the Towns.

Mr. Sidlowski asked for confirmation on which Elements (Chapters) still need reviewing. He said he shows Elements 6, 7, 9, and comments from the Town of Woodboro, the Town of Pine Lake, and an e-mail from the Town of Newbold

Mr. Jennrich stated that the Forestry Department also has comments for Element 2.

The Committee started with the comments from the Forestry Department and ended with the comments pertaining to Element 7.

The Committee discussed the suggestions the Town of Woodboro had in regards to Goals, Objectives and Policies of the County Plan.

It was agreed that Corporation Counsel will develop language to place in the County Plan that lets people know to see their local Town Plan for Town specific Goals, Policies, and Objectives.

The Committee discussed the request by the Town of Newbold to change the word "coordination" to "cooperation" on page 9 of Chapter 9, Section 9.8, and line 14. Motion by Don Sidlowski, second by Bob Metropulous to change the word "coordination" to "cooperation" in the paragraph so sited.

On roll call vote: Lee, aye; Sidlowski, aye; Rudolph, aye; Metropulous, aye; Holewinski, nay; Baier, nay; Timmons, nay; and Pelletier, nay. Motion failed.

The Committee reviewed the questions submitted by the Town of Pine Lake.

Public Comments.

Marcus Neseman asked for confirmation on the language Mr. Desmond is to create. Mr. Desmond stated that it will go before the Goals, Objectives and Policies of each Element.

Approve future meeting dates: November 6, 2012 at 9:30 a.m.

Future agenda items. Review Chapter 9 suggestions.

Adjourn.

2:57 p.m. A motion was made by Tom Rudolph, second by Mike Timmons to adjourn the meeting. With all members present voting "aye", the motion carried.

Chairman Gary Baier

Karl Jennrich
Planning & Zoning Director