

**NOTICE OF MEETING**

**COMMITTEE:** PLANNING & DEVELOPMENT  
**DATE:** MARCH 6, 2013  
**PLACE:** ONEIDA COUNTY COURTHOUSE – COMMITTEE ROOM #2  
**TIME:** 1:00 P.M. REGULAR MEETING  
2:00 P.M. PUBLIC HEARING

**ALL AGENDA ITEMS ASSUMED TO BE DISCUSSION / DECISION**

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1. Call to order.
2. Approve the agenda.
3. Public comments.
4. Approve meeting minutes of November 7, 2012.
5. Notification of property owners for public hearings regarding Rezone Petitions.
6. Sugar Camp reduced setbacks.
7. Review Chapter 13, Private Onsite Wastewater Treatment System Ordinance.
8. Discuss an Ordinance Amendment to allow flat roof boathouses.
9. Forward Resolution #5-2012 to the Oneida County Board of Supervisors. A rezone denial in the Town of Three Lakes.
10. Forward Resolution #7-2012 to the Oneida County Board of Supervisors. A rezone in the Town of Three Lakes.
11. Presentation of Service Awards: Lila Dumar and Karl Jennrich.
12. Line item transfers, purchase orders and bills.
13. Refunds.
14. Approve future meeting dates: March 20 and April 3, 2013.
15. Public comments.
16. Future agenda items.

**CONDUCT PUBLIC HEARING ON THE FOLLOWING:**

17. **Ordinance Amendment #2-2013**, authored by the Planning and Development Committee to amend Section 9.54, Communication Structures, of the Oneida County Zoning and Shoreland Protection Ordinance as follows:

9.54 COMMUNICATION STRUCTURES (Amend #25-2005, 03-2007, and 11-2008)

A-D (4) Unchanged

#### D. Minimizing the Number of Sites

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5. No CUP application for the placement or construction of a new communication structure at a new site shall be approved unless the applicant presents to the County credible evidence of the following:
  - a. No existing communication structure is located within the area in which the applicant's equipment must, for technical reasons, be located. The technical reasons that pertain shall be fully explained and justified in the CUP application.
  - b. No existing communication structure within the area in which the applicant's equipment must be located is of sufficient height to meet applicant's requirements and the deficiency in height cannot be remedied at a reasonable cost. This situation shall be fully explained in the CUP application.
  - c. No existing communication structure within the area in which the applicant's equipment must be located has sufficient structural strength to support applicant's equipment and the deficiency in structural strength cannot be remedied at a reasonable cost. The circumstances shall be fully explained in the CUP application.
  - d. The applicant's equipment would cause uncorrectable electromagnetic interference with equipment on the existing permitted communication structures and equipment within the area in which the applicant's equipment must be located, or the equipment on the existing communication structure(s) would cause uncorrectable interference with the applicant's equipment and the interference from whatever source, cannot be eliminated at a reasonable cost, or the applicant's equipment would cause uncorrectable interference with other legally permitted and properly operating electronic equipment in the vicinity.
  - ~~e. The fees, costs or contractual provisions required by the owner of the existing communication structure or site in order to co locate on an existing communication structure or locate a new structure adjacent to the existing structure are unreasonable relative to industry norms.~~
  - e.f. The applicant demonstrates that there are other factors that render existing communication structures unsuitable or +unavailable and establishes that the public interest is best served by the placement or construction of a new communication structure. A municipally owned communication tower, whose primary purpose is to provide essential police, fire, and other emergency communications and services for the protection and safety of the public, is clearly one factor.

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#### E-T Unchanged

18. **Ordinance Amendment #1-2013** authored by the Oneida County Planning and Development Committee to amend Chapter 20, the Oneida County Floodplain Ordinance, of the General Code of Oneida County. The Ordinance amendment would revise the existing Floodplain Ordinance language and maps to comply with the new State Model Ordinance as mandated by the Wisconsin Department of Natural Resources (DNR) and the Federal Emergency Management Agenda (FEMA).

Copies of the Revisions to Chapter 20 and the Floodplain Maps are available for public viewing during normal business hours (8:00 a.m. – 4:30 p.m.) at the Planning & Zoning Office, Oneida County Courthouse, 2<sup>nd</sup> Floor, Rhinelander Wisconsin 54501 or phone 715-369-6130.

Digital copies of the Floodplain Maps or an overlay on parcels can be accessed from the following website: <http://www.co.oneida.wi.gov/>. Click on the State of Wisconsin map icon and follow to GIS Mapping, then under Map Layers, Natural Systems, check the Preliminary Flood Index Map and click on the panel number to download a map from the FEMA site; or Check the Preliminary Flood Data box to overlay the floodplain on parcels. You need to zoom in to about ¼ of a section to view parcel level data. Depending on your computer and Internet speed it can take several minutes to download the map.

Revisions to the Oneida County Floodplain Ordinance is available online at [www.oneida.wi.gov](http://www.oneida.wi.gov) under the Planning and Zoning Department

19. Adjourn.

**NOTICE OF POSTING**

**TIME: 2:00 PM DATE: FEBRUARY 28, 2013 PLACE: COURTHOUSE BULLETIN BOARD**

**SCOTT HOLEWINSKI, COMMITTEE CHAIRMAN**

Notice posted by the Planning & Zoning Department. Additional information on a specific agenda item may be obtained by contacting the person who posted this notice at 715-369-6130.

**NEWS MEDIA NOTIFIED VIA E-MAIL:**

Northwoods River News	Date: 02/28/2013	Time: Approx. 2:30 p.m.
Lakeland Times	Date: "	Time: "
Buyer's Guide/Our Town	Date: "	Time: "
WXPR Public Radio	Date: "	Time: "
WERL/WRJO Radio	Date: "	Time: "

**NEWS MEDIA NOTIFIED VIA FAX:**

WHDG Radio Station	Date: 02/28/2013	Time: Approx: 2:30 p.m.
WJFW-TV 12	Date: "	Time: "
Vilas County News	Date: "	Time: "
Tomahawk Leader	Date: "	Time: "
WLSL	Date: "	Time: "

Notice is hereby further given that pursuant to the Americans with Disabilities Act reasonable accommodations will be provided for qualified individuals with disabilities upon request. Please call Mary Bartelt at 715-369-6144 with specific information on your request allowing adequate time to respond to your request.

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See reverse side of this notice for compliance checklist with the Wisconsin Open Meeting Law.

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**GENERAL REQUIREMENTS:**

1. Must be held in a location which is reasonably accessible to the public.
2. Must be open to all members of the public unless the law specifically provides otherwise.

**NOTICE REQUIREMENTS:**

1. In addition to any requirements set forth below, notice must also be in compliance with any other specific statute.
2. Chief presiding officer or his/her designee must give notice to the official newspaper and to any members of the news media likely to give notice to the public.

**MANNER OF NOTICE:**

Date, time, place and subject matter, including subject matter to be considered in a closed session, must be provided in a manner and form reasonably likely to apprise members of the public and news media.

**TIME FOR NOTICE:**

1. Normally, a minimum of 24 hours prior to the commencement of the meeting.
2. No less than 2 hours prior to the meeting if the presiding officer establishes there is good cause that such notice is impossible or impractical.
3. Separate notice for each meeting of the governmental body must be given.

**EXEMPTIONS FOR COMMITTEES & SUBUNITS**

Legally constituted sub-units of a parent governmental body may conduct a meeting during the recess or immediately after the lawful setting to act or deliberate upon the subject which was the subject of the meeting, provided the presiding officer publicly announces the time, place and subject matter of the sub-unit meeting in advance of the meeting of the parent governmental body.

**PROCEDURE FOR GOING INTO CLOSED SESSION:**

1. Motion must be made, seconded and carried by roll call majority vote and recorded in the minutes.
2. If motion is carried, chief presiding officer must advise those attending the meeting of the nature of the business to be conducted in the closed session, and the specific statutory exemption under which the closed session is authorized.

**SYNOPSIS OF STATUTORY EXEMPTIONS UNDER WHICH CLOSED SESSIONS ARE PERMITTED:**

1. Concerning a case which was the subject of Judicial or quasi-judicial trial before this governmental body Sec. 19.85(1) (a)
2. Considering dismissal, demotion or discipline of any public employee or the investigation of charges against such person and the taking of formal action on any such matter; provided that the person is given actual notice of any evidentiary hearing which may be held prior to final action being taken and of any meeting at which final action is taken. The person under consideration must be advised of his/her right that the evidentiary hearing be held in open session and the notice of the meeting must state the same. Sec. 19.85(1)(b).
3. Considering employment, promotion, compensation or performance evaluation data of any public employee over which this body has jurisdiction or responsibility. Sec. 19.85(1)(c).
4. Considering strategy for crime detection or prevention. Sec. 19.85(1)(d).
5. Deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business whenever competitive or bargaining reasons require a closed session. Sec. 19.85(1)(e).
6. Considering financial, medical, social or personal histories or disciplinary data of specific person, preliminary consideration of specific personnel problems or the investigation of specific charges, which, if discussed in public, would likely have a substantial adverse effect on the reputation of the person referred to in such data. Sec. 19.85(1)(f), except where paragraph 2 applies.
7. Conferring with legal counsel concerning strategy to be adopted by the governmental body with respect to litigation in which it is or is likely to become involved. Sec. 19.85(1)(g).
8. Considering a request for advice from any applicable ethics board. Sec. 19.85(1)(h).

**PLEASE REFER TO CURRENT STATUTE SECTION 19.85 FOR FULL TEXT CLOSED SESSION RESTRICTIONS:**

1. Must convene in open session before going into closed session.
2. May not convene in open session, then convene in closed session and thereafter reconvene in open session within twelve hours unless proper notice of this sequence was given at the same time and in the same manner as the original open meeting.

3. Final approval or ratification of a collective bargaining agreement may not be given in closed session.
4. No business may be taken up at any closed session except that which relates to matters contained in the chief presiding officer's announcement of the closed session.
5. In order for a meeting to be closed under Section 19.85(1)(f) at least one committee member would have to have actual knowledge of information which he or she reasonably believes would be likely to have a substantial adverse effect upon the reputation involved and there must be a probability that such information would be divulged. Thereafter, only that portion of the meeting where such information would be discussed can be closed. The balance of that agenda item must be held in open session.

**BALLOTS, VOTES AND RECORDS:**

1. Secret ballot is not permitted except for the election of officers of the body or unless otherwise permitted by specific statutes.
2. Except as permitted above, any member may require that the vote of each member be ascertained and recorded.
3. Motions and roll call votes must be preserved in the record and be available for public inspection.

**USE OF RECORDING EQUIPMENT:**

The meeting may be recorded, filmed, or photographed, provided that it does not interfere with the conduct of the meeting or the rights of the participants.

**LEGAL INTERPRETATION:**

1. The Wisconsin Attorney General will give advice concerning the applicability or clarification of the Open Meeting Law upon request.
2. The municipal attorney will give advice concerning the applicability or clarification of the Open Meeting Law upon request.

**PENALTY:**

Upon conviction, any member of a governmental body who knowingly attends a meeting held in violation of Subchapter IV, Chapter 19, Wisconsin Statutes, or who otherwise violates the said law shall be subject to forfeiture of not less than \$25.00 nor more than \$300.00 for each violation.  
Prepared by Oneida County Corporation Counsel Office - 5/16/96