**AMENDED**

**NOTICE OF MEETING**

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| **COMMITTEE:** | **ONEIDA COUNTY BOARD OF ADJUSTMENT** |
| **PLACE:** | **MINOCQUA CENTER - MINOCQUA ROOM, 3rd FLOOR** |
| | **415 MENOMINEE STREET, MINOCQUA WI 54548** |
| **DATE:** | **AUGUST 2, 2016** |
| **TIME:** | **9:30 AM** |

**AGENDA:**

1. 9:30 a.m. - Call to order.

2. Approve the agenda.

3. Roll call of members.

4. Old Business:
   a. Consider status of previous cases.
   b. Update on zoning statutes and ordinance amendments.

5. Current Business:
   a. Election of Officers.
   b. Approve any available bills.
   c. Consider current and pending appeals to BOA.
   d. Review/revise meeting/hearing calendar.

6. Recess for onsite inspection. The Board will travel together to the inspection site at 8424 Hower Road further described as Pinemere Shores Lot 1 and part Lot 7 Wasserberger's Pine Shore being part Government Lots 2 and 3 NW NW, Section 16, T39N, R6E, PIN MI 6647, Town of Minocqua, Oneida County, Wisconsin to conduct an onsite inspection at approximately 10:00 am, followed by lunch together at a place to be determined. No public business will be discussed while traveling or at lunch.

7. 1:00 p.m. – Hold a Public Hearing in the Minocqua Room, 3rd floor of the Minocqua Center, 415 Menominee Ste., Minocqua, WI on the following appeal:

8. **Appeal No 2-2016 of Robert and Alison Nikolai, owners,** requesting relief from a discretionary enforcement letter dated June 2, 2016 from Pete Wegner, Assistant Zoning Director, regarding steps to be taken to comply with Section 9.32, 9.94, 9.95 and 9.97 of the County Code of Ordinances. These activities are contrary to the Oneida County Zoning and Shoreland Protection Ordinance, as amended March 4, 2016. The property is located at 8424 Hower Road further described as Pinemere Shores Lot 1 and part Lot 7 Wasserberger's Pine Shore being part Government Lots 2 and 3 NW NW, Section 16, T39N, R6E, PIN MI 6647, Town of Minocqua, Oneida County, Wisconsin.

9. Close hearing and vote to reach decision.

10. Adjourn.

**NOTICE OF POSTING**

**TIME: 2:00 PM DATE: July 20, 2016 Place: Oneida County Courthouse Bulletin Board**

**Notice posted by Julie Petraitis, Program Assistant, Planning and Zoning Department. Additional information on an agenda item may be obtained by calling the Planning and Zoning Dept at 715-369-6130.**

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

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| **Northwoods River News** | **Date: 7/20/2016** | **Time: approx 2:00 pm** |
| **Lakeland Times** | **“ “** | **Time: approx 2:00 pm** |
| **Buyer’s Guide/Our Town** | **“ “** | **Time: approx 2:00 pm** |
| **WXPR Public Radio** | **“ “** | **Time: approx 2:00 pm** |
| **WERL/WRJO Radio** | **“ “** | **Time: approx 2:00 pm** |
| **WJJQ Radio Station** | **“ “** | **Time: approx 2:00 pm** |
| **WPEG** | **“ “** | **Time: approx 2:00 pm** |
| **Tomahawk Leader** | **“ “** | **Time: approx 2:00 pm** |

**NEWS MEDIA NOTIFIED VIA FAX:**

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|---|---|---|
| **WHDG Radio Station** | **Date: 7/20/2016** | **Time: approx 2:00 pm** |
| **WJFW-TV 12** | **“ “** | **Time: approx 2:00 pm** |
| **Vilas County News-Review** | **“ “** | **Time: approx 2:00 pm** |
| **WJJQ Radio Station** | **“ “** | **Time: approx 2:00 pm** |

**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.**

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

******* 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 <u>unless</u> 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**

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