NOTICE OF MEETING
AGENDA

COMMITTEE: **ONEIDA COUNTY BOARD OF ADJUSTMENT**

PLACE: **COUNTY BOARD ROOM, SECOND FLOOR, ONEIDA COUNTY ONEIDA COUNTY COURTHOUSE, RHINELANDER, WISCONSIN**

DATE: **MONDAY, NOVEMBER 10, 2008** **TIME: 8:30 A.M.**

AGENDA:

1. Call to order.

2. Roll call of members.

3. Approve agenda.

4. Approve minutes of previous meetings and hearings as available.

5. Old Business:
   A. Discuss status of previous cases:

6. Current Business:
   A. Consider current and pending appeals to BOA.
   B. Discuss current appeals to Circuit Court.
   C. Review and revise meeting schedule.

7. Depart the Courthouse at approximately 9:15 a.m., to conduct an onsite inspection beginning at approximately 10:00 a.m. for appeal noted below. Inspection shall be open to the public.

   The Board will travel together to the inspection site, followed by lunch together at a place to be determined. No public business will be discussed while traveling or at lunch.

8. 1:00 p.m. – Hold a Public Hearing in the County Board Room, Second Floor, Oneida County Courthouse on the following appeal:

   Appeal No. 08-008 of Curtis Jelinek, 11415 N. Bobolink Ln, Mequon, WI 53093, as trustee for Jelinek Family LTD PTNSP, requesting an area variance to allow placement of a home only 28 feet from the ordinary high water mark (OHWM) of Boom Lake. Section 9.94(A)(1), Oneida County Zoning and Shoreland Protection Ordinance, requires that "The setback for all structures shall be seventy-five (75) feet from the OHWM of any navigable waters to the nearest part of such structure..." The property is located on Manor Loop Road in Country Club Manor Plat, an unnumbered lot between Blocks C and F, Section 31, T37N, R9E and is identified as Parcel ID #PL 775-1, Town of Pine Lake.

   Appeal No. 08-009 of Curtis Jelinek, 11415 N. Bobolink Ln, Mequon, WI 53093, as trustee for Jelinek Family LTD PTNSP, requesting an area variance to allow placement of a home only 24 feet from the ordinary high water mark (OHWM) of Boom Lake and 10 feet from the right-of-way of Manor Loop Rd. Section 9.94(A)(1), Oneida County Zoning and Shoreland Protection Ordinance, requires that "The setback for all structures shall be seventy-five (75) feet from the OHWM of any navigable waters to the nearest part of such structure..." Section 9.70(A)(1) of the Ordinance requires that "The setback in all areas shall be no less than 20 feet from the right-of-way..." The property is located on Manor Loop Road in Country Club Manor Plat, Lot 20, Block C, Section 30, T37N, R9E and is identified as Parcel ID #PL 775, Town of Pine Lake.

9. Adjournment.

NOTICE OF POSTING
TIME: 11:30 a.m. DATE: 11/3/08 PLACE: Courthouse Bulletin Board

ROBERT FRIES, CHAIRMAN
Notice posted by Kim Gauthier, Secretary, Planning and Zoning Department.
Additional information on a specific agenda item may be obtained by calling the Planning and Zoning Department at 369-6130.

NEWS MEDIA NOTIFIED VIA E-MAIL:

Rhinelander Daily News	Date 11/3/08	Time: Approx. 11:30 a.m.
Lakeland Times	Date: "	Time: "
Buyer's Guide/Our Town	Date: "	Time: "
WXPR Public Radio	Date: "	Time: "
WERL/WRJO Radio	Date: "	Time: "
WJJQ Radio Station	Date: "	Time: "

NEWS MEDIA NOTIFIED VIA FAX:

News of the Northwood's	Date: 11/3/08	Time: Approx. 11:30 a.m.
WHDG Radio Station	Date: "	Time: "
WJFW-TV 12	Date: "	Time: "
Vilas County News-Review	Date: "	Time: "
WJJQ Radio Station	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 Robert Bruso 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. ec. 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