

NOTICE OF MEETING

COMMITTEE: ONEIDA COUNTY BOARD OF ADJUSTMENT
PLACE: ONEIDA COUNTY COURTHOUSE, 2ND FLOOR, COMMITTEE ROOM #2
DATE: MARCH 7, 2024
TIME: 9:30 A.M.

1. 9:30 a.m. - Call to order.
2. WI Open Meeting statement.
3. Roll call of members.
4. Approve the agenda.
5. It is anticipated that the committee may meet in closed session pursuant to Wisconsin Statutes, Section 19.85(1)(g), 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. A roll call vote will be taken to go into closed session.
 - a. Appeal #24-001 concerning Zoning Permit #2300797.
6. A roll call vote will be taken to return to open session.
7. Announcement of any action taken in closed session.
8. Recess to reconvene at 11:00 a.m.
9. Reconvene – 11:00 a.m. to conduct procedural meeting concerning November 13, 2023 Zoning Permit #2300797 for the placement of a cell tower located at 8297 Fawn Lake Road, further described as being: Part of Government Lot 7, Section 33, T38N, R7E, PIN LT 446-1, Town of Lake Tomahawk, Oneida County, Wisconsin.
10. Conduct the meeting concerning the following procedural question:
 - a. Should the Board of Adjustment remand Appeal #24-001 to the Zoning Administrator for further proceedings involving public input regarding Zoning Permit #2300797?

The foregoing issue will be considered by the Board as a procedural matter only. Though the Board's meeting is open to the public, the public will not be afforded an opportunity to participate in the arguments to the Board by attorneys. The Board will then deliberate on the decision. If the Board decides not to remand the matter to the Zoning Administrator, a later hearing date will be scheduled. The public would then be afforded the full opportunity to have input at that hearing concerning the issues involved in the appeal. If the matter is remanded to the Zoning Administrator, the public will be afforded an opportunity to provide input at the discretion of the Zoning Administrator at a later date.

10. Adjourn.

NOTICE OF POSTING

TIME: 2:15 p.m. ~ DATE: February 29, 2024 ~ PLACE: Oneida County Courthouse Bulletin Board

HARLAND LEE, CHAIRMAN

Notice posted by Monique Taylor, Administrative Support, Planning & Zoning Department. Additional information on a specific agenda item may be obtained by contacting the Planning & Zoning Department at 715-369-6130.

NEWS MEDIA NOTIFIED VIA E-MAIL ~ DATE: February 29, 2024 ~ TIME: Approx. 2:30 p.m.

Lakeland Times	Northwoods River News
Star Journal	Tomahawk Leader
Vilas County News	NRG Media Northwoods
WCYE Radio	WJJQ Radio
WPEG Radio/TV	WRJO Radio
WXPR Public Radio	WJFW-TV 12

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 Tracy Hartman at 715-369-6125 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 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

