

CITY OF GLENDALE -- COMMON COUNCIL
March 28, 2016

Regular meeting of the Common Council of the City of Glendale held in the Municipal Building, 5909 North Milwaukee River Parkway.

The meeting was called to order by Mayor Bryan Kennedy at 6:00 p.m.

Roll Call: Present: Ald. Robert Whitaker, Daniel P. Sweeney, John C. Gelhard, Richard W. Wiese, Izzy Goldberg and JoAnn Shaw. Absent: None.

Other Officials Present: Rachel Reiss, Assistant City Administrator/Human Resource Director; Tom Czarnyszka, Police Chief; and John Fuchs, City Attorney.

PLEDGE OF ALLEGIANCE.

The members of the Common Council, City staff and all those present pledged allegiance to the flag of the United States of America.

OPEN MEETING NOTICE.

The Assistant City Administrator advised that in accordance with the Open Meeting Law, the local news media was advised on Thursday, March 24, 2016, of the date of this meeting; that the agenda was posted on the official bulletin board of City Hall, the Glendale Police Department, and the North Shore Library; that copies of the agenda were made available to the general public in the Municipal Building and the Police Department, and those persons who requested, were sent copies of the agenda.

ADOPTION OF COUNCIL MINUTES.

Motion was made by Ald. Whitaker, seconded by Ald. Wiese, approving the minutes of the meeting held on March 14, 2016. Ayes: Ald. Whitaker, Sweeney, Gelhard, Wiese, Goldberg and Shaw. Noes: None. Absent: None. Motion carried unanimously.

PUBLIC COMMENT:

There were no public comments.

COMMUNICATIONS, APPLICATIONS AND PETITIONS:

- I. File No
Communication from City Services Director, Dave Eastman, re: Final payment to DC Burbach for Bender Park Sidewalk.

Based upon the recommendation of the City Services Director, motion was made by Ald. Whitaker, seconded by Ald. Sweeney, to approve the Final Payment in the amount of \$13,017.64 to DC Burbach for Bender Park Sidewalk. On Roll Call: Ayes: Ald. Whitaker, Sweeney, Gelhard, Wiese, Goldberg and Shaw. Noes: None. Absent: None. Motion carried unanimously.

II. File No

Communication from Police Chief, Thomas Czarnyszka, re: Out of state training.

The Police Chief is requesting approval to allow the City's School Resource Officer to attend the Wyoming School Safety Conference on June 15 -17, 2016. As Region 8 Director, Officer Kelly DeJonge has been requested to give a presentation; she will attend the conference at no charge. Travel, hotel and meal expenses are also included. The training will focus on bullying, drug abuse, social media and school safety.

Motion was made by Ald. Whitaker, seconded by Ald. Shaw, to approve the request of the Police Chief to allow Officer Kelly DeJonge to attend the Wyoming School Safety Conference on June 15 -17, 2016. Ayes: Ald. Whitaker, Sweeney, Gelhard, Wiese, Goldberg and Shaw. Noes: None. Absent: None. Motion carried unanimously.

III. File No

Communication from Director of Inspection Services, Collin Johnson, re: FEMA – Hazard Mitigation Grant Program.

The Director of City Services, Collin Johnson, reported that the city's application submitted to FEMA under the FY 2016 Hazard Mitigation Grant Program has been approved. The project includes the proposed acquisition of three additional residential properties and has an estimated cost of just under \$800,000.00. Federal funds will cover 75% of those costs with an additional 12.5% covered by the State. He will be working to secure the services of various vendors ranging from appraisers to demolition contractors. As in the past, this is a completely voluntary program in which property owners have the option to opt out at any time prior to signing an offer to purchase. Once these lands are acquired, they will remain in perpetuity as open space, in compliance with the guidelines set forth in federal and state laws. This is the third round of funding for the City and since 2012 the City has been granted a total of \$1,263,646.50 in federal HMGP flood mitigation funds alone. These funds have helped make Glendale a safer, more resilient flood smart community.

Motion was made by Ald. Goldberg, seconded by Ald. Shaw, to accept and file the report indicating the approval of the FEMA FY 2016 Hazard Mitigation Grant. Ayes: Ald. Whitaker, Sweeney, Gelhard, Wiese, Goldberg and Shaw. Noes: None. Absent: None. Motion carried unanimously.

IV. File No

Application from Milwaukee County, re: Request to Rezone former Railroad property to C-1 Conservancy – Oak Leaf Bike Trail.

Motion was made by Ald. Shaw, seconded by Ald. Whitaker, to refer the Application from Milwaukee County, requesting to rezone former Railroad property to C-1 Conservancy – Oak Leaf Bike Trail to the Plan Commission. Ayes: Ald. Whitaker, Sweeney, Gelhard, Wiese, Goldberg and Shaw. Noes: None. Absent: None. Motion carried unanimously.

- V. File No
Application from North Shore Library re: Special Gathering Permit for May 21, 2016.

Motion was made by Ald. Shaw, seconded by Ald. Gelhard, to approve the Application for Special Gathering Permit submitted by the North Shore Library for May 21, 2016 beginning at 10:00 a.m. and ending at 3:00 p.m. to celebrate the 30th year of the North Shore Library. Ayes: Ald. Whitaker, Sweeney, Gelhard, Wiese, Goldberg and Shaw. Noes: None. Absent: None. Motion carried unanimously.

UNFINISHED BUSINESS.

- VI. File No
Development Agreement for 7275 N. Port Washington Road, former Residence In property.

Jomela Boulder has purchased the Suites at Northshore, 7275 North Port Washington Road with the goal of providing high quality multi-family housing that is price competitive. The North Shore Townhomes will consist of 44% of the units being studio apartments, 31% will be 1 bedroom units and the remaining 25% will be 2 bedroom units. Jomela Boulder believes the physical attributes of the buildings are solid and useful, making the complex well suited for a multi-family conversion. The proposed renovation requires a Rezone from PD Planned Unit Development District-Hotel to PD Planned Unit Development-Multiple Family Residential for use as an apartment complex consisting of twelve existing 8 – unit buildings. The Common Council approved the rezoning of this property contingent upon the approval of this agreement.

Attorney Fuchs cited two provisions within the document that addressed the concerns raised at the prior meeting. The agreement states that the developer may only use the development for market rate housing, subsidized housing is not an allowable use. The agreement also addresses the parking concerns.

Motion was made by Ald. Gelhard, seconded by Ald. Wiese, to approve the Development Agreement for 7275 N. Port Washington Road, former Residence Inn property. Ayes: Ald. Whitaker, Sweeney, Gelhard, Wiese, Goldberg and Shaw. Noes: None. Absent: None. Motion carried unanimously.

NEW BUSINESS.

- VII. File No
Ordinance Repealing and Recreating Section 7-2-17 of the Code pertaining to outdoor Consumption at Class B Premises (City Attorney).

The City Attorney stated that over the years there have been changes in the objectives pertaining to licensing. Bayshore Town Center is now a substantial single parcel, capable of holding indoor and outdoor events in areas not specifically leased out to any restaurant. Such events may require a license. Since the passage of the no smoking laws, most restaurants and bars now have outdoor areas where they also wish to serve. Currently, the redevelopment of the former Bavarian Inn premises to a brew pub and restaurant is underway, but state law allows the issuance of only one Class B License to an entity also holding a brew pub permit issued by the

State Department of Revenue. The design and plans for this redevelopment contemplate indoor and outdoor service throughout the premises, and hopefully the future hosting of any variety of events. If the restaurant will be serving these events, the former practice of special gathering permits/temporary licenses not only does not fit the fact that the restaurant will be serving, as opposed to an occasional “bona fide club,” but under new laws additional licenses cannot be issued. State Law places a restriction on the holder of a brew pub permit, and allows only one Class B License.

What is common to a redevelopment such as the brew pub, or a major retail property such as Bayshore, and the variety of outdoor expansions license holders have done in terms of patios, outdoor decks, and outside smoking areas, is a need to describe and define broadly the licensed area. The concept that service is in a single interior space is obsolete. Therefore, the City Attorney is recommending that Section 7.2.17 of the Code which regulated beer gardens, and required a license for outdoor consumption, be repealed. In place of that ordinance, a new Section 7.2.17 would require the Council, in granting or renewing Class B Licenses, to review the entire premises, and to then decide what area, both interior and exterior, will be covered in the description of the licensed premises. The new ordinance contemplates regulations or conditions the Council will set relative each specific property. The new approach and idea would be to allow all of these facilities to operate, define their area of operation, and have licenses that are compatible with State Law, but also subject to Council review and conditions, and which accommodate the current developments.

Motion was made by Ald. Wiese, seconded by Ald. Goldberg, to approve the Ordinance Repealing and Recreating Section 7-2-17 of the Code pertaining to outdoor Consumption at Class B Premises. Ayes: Ald. Whitaker, Sweeney, Gelhard, Wiese, Goldberg and Shaw. Noes: None. Absent: None. Motion carried unanimously.

RECEIPT OF MONTHLY DEPARTMENTAL REPORTS.

Motion was made by Ald. Shaw, seconded by Ald. Gelhard, to place the monthly departmental reports on file. Ayes: Ald. Whitaker, Sweeney, Gelhard, Wiese, Goldberg and Shaw. Noes: None. Absent: None. Motion carried unanimously.

COMMISSION, COMMITTEE AND BOARD REPORTS.

Several Council members briefly reported on the activities of the various Commissions, Committees and Boards they serve on.

CLOSED SESSION

Motion was made by Ald. Wiese, seconded by Ald. Whitaker to convene in Closed Session per section 19.85(1)(c) of the Wisconsin Statutes to consider the employment promotion, compensation or performance evaluation data of City employees. Ayes: Ald. Whitaker, Sweeney, Gelhard, Wiese, Goldberg and Shaw. Noes: None. Absent: None. Motion carried unanimously.

RECONVENE OUT OF CLOSED SESSION

Motion was made by Ald. Gelhard, seconded by Ald. Sweeney to reconvene in Open Session. Ald. Whitaker, Sweeney, Gelhard, Wiese, Goldberg and Shaw. Noes: None. Absent:

None. Motion carried unanimously.

REPORT OF CLOSED SESSION

Motion was made by Ald. Goldberg, seconded by Ald. Gelhard to approve a one year, non-renewable employment contract with Lieutenant Donald Haffner commencing May 1, 2016 and ending April 30, 2017. Ald. Whitaker, Gelhard, Wiese, and Goldberg. Noes: Sweeney and Shaw. Absent: None. Motion carried unanimously.

ADJOURNMENT.

There being no further business, motion was made by Ald. Sweeney, seconded by Ald. Whitaker, to adjourn the meeting. Ayes: Ald. Whitaker, Sweeney, Gelhard, Wiese, Goldberg and Shaw. Noes: None. Absent: None. Motion carried unanimously and adjournment of the Common Council was ordered at 7:10 p.m. until Monday, April 11, 2016 at 6:00 p.m.

Rachel A. Reiss
Assistant City Administrator

Recorded: March 29, 2016