

CITY OF GLENDALE COMMON COUNCIL

Meeting Minutes

March 13, 2023

Regular meeting of the Common Council of the City of Glendale held in City Hall, 5909 North Milwaukee River Parkway, Glendale, Wisconsin and via Zoom conference call.

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

Roll Call: Present: Mayor Bryan Kennedy, Ald. Tomika Vukovic, Jim Daugherty, John Gelhard, Phillip Bailey, Steve Schmelzling, and JoAnn Shaw. Absent: None.

Other Officials Present: Karl Warwick, City Administrator; Nathan Bayer, City Attorney; Mark Ferguson, Police Chief; Charlie Imig, Director of Public Works; John Fellows, Community Development Director; Jessica Ballweg, Human Resources Director; and Megan Humitz, City Clerk.

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.

City Administrator Warwick advised that in accordance with the Open Meeting Law, the local news media was advised on Thursday, March 9, 2023, 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.

PUBLIC COMMENT.

Glendale resident Virginia Gerth, 6861 N Ironwood Lane, expressed concern over the parking on Ironwood Lane and Elm Tree Road and the rapid speed of the parents during pickup and drop-off at Nicolet High School. She indicated concerns over safety of the residents in the area and would like to see something done. Mayor Kennedy will have staff follow-up with the superintendent regarding these issues.

Glendale resident Terrance Kraus, 5736 N Dexter Avenue, expressed concerns over noise issues coming from the Brady Corporation. He indicated the noise has increased since the brush and trees were cut down near the bike trail, and the police department has taken a reading and placed a complaint on file. At the request of his alderperson, Mr. Kraus kept a log of the noise in summer of 2022. Mayor Kennedy stated staff will work with the police department to obtain additional sound readings and determine if the noise exceeds acceptable levels.

Glendale resident Robert Cronwell, 7530 N Applewood Lane, expressed concerns regarding the traffic backing up at Green Tree Road and Jean Nicolet Road, particularly during periods without a police presence. Chief Ferguson stated that area is River Hills, however Glendale has provided assistance when necessary, but the congestion is overall going to be unavoidable.

CONSENT AGENDA.

I. File No. _____

Adoption of Minutes from Meeting held on February 27, 2023 and Approval of Accounts Payable.

Administrator Warwick stated Accounts Payable was unavailable for approval.

Motion by Ald. Schmelzling, seconded by Ald. Bailey, to Adopt Minutes from Meeting held on February 27, 2023 was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

PUBLIC FORUM

II. File No.
No Mow May

The Common Council is looking for comments, thoughts, suggestions, ways to educate on No Mow May.

Glendale resident Cheryl Maranto, 6563 N Crestwood Drive, expressed her support of No Mow May and was one of the residents who brought the initiative to Council in 2022 and was happy to see it approved. She stated this is an easy, minimal effort for pollinators during a critical time for them to have shelter and reproduce. She indicated a hope for re-approval and finds this to be consistent with the green values of the City.

Mayor Kennedy received several emails and will forward those to City staff for review. The comments from residents were a mix of those for and against the initiative, and several provided suggestions moving forward.

Ald. Gelhard read concerns from residents who were not in support of the No Mow May initiative and provided an alternative option of pollinator gardens.

Ald. Bailey and Ald. Schmelzling stated many of their residents were either in favor or had no preference either way regarding No Mow May.

Ald. Daugherty stated his residents expressed support of protecting the pollinators but did not have an opinion for or against the No Mow May initiative.

NEW BUSINESS.

III. File No.

A Proclamation Designating April 2, 2023 as “Education and Sharing Day” in the City of Glendale.

Mayor Kennedy stated the provided proclamation is to recognize and acknowledge the lasting contributions of Lubavitcher Rebbe, Rabbi Menachem Schneerson toward improvements in world education, morality, and acts of charity; as well as call upon residents to reach out within the community to create a better, brighter, and more hopeful future for all.

Motion by Ald. Gelhard, seconded by Ald. Daugherty, to approve the Proclamation Designating April 2, 2023 as “Education and Sharing Day” in the City of Glendale. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: No. Abstain: None. Motion carried.

IV. File No.

Discussion and Consideration of An Ordinance Amending Title 2 “Government Administration,” Chapter 4 “Boards, Commissions and Committees,” Sections 2.4.4 “City Plan Commission,” 2.4.6 Advisory Committee on Esthetics and Conservation,” 2.4.7 “Floodplain Management Advisory Committee,” 2.4.8 “Marketing Committee,” 2.4.9 “Architectural Review Board,” and 2.4.13 “Board of Public Works Eliminated” of the Code of General Ordinances of the City of Glendale.

Community Development Director, John Fellows, stated City Staff have been reviewing various ordinances and processes. Title 2 deals with the powers and responsibilities of the Common Council while Chapter 4 focuses on Boards, Commissions and Committees. A request has been made to remove Boards and Commissions that are no longer operating and eliminate the Architectural Review Board (ARB). The ARB’s duties of reviewing single-family and two-family structures and accessory units would be reassigned to City staff with an appeal process to the Plan Commission. The Resolution with the Ordinance directs the Community Development Director to return to the Common Council with a recommended set of design guidelines for the Council to review and approve.

This Ordinance change focuses on four main changes.

1. Planning Commission language: clarifying language, providing review of single family and duplex units to staff rather than the Architectural Review Board, with an option for Plan Commission review when necessary.
2. Subsequent elimination of the Section 2.4.9 “Architectural Review Board.”
3. Elimination of the following defunct entities from the Code of General Ordinances:
 - a. Section 2.4.6 “Advisory Committee on Esthetics and Conservation”
 - b. Section 2.4.7 “Floodplain Management Advisory Committee”
 - c. Section 2.4.8 “Marketing Committee”
4. Cleaning up Section 2.4.13 “Board of Public Works Eliminated,” which was a Board already abolished some time ago.
5. Changing the name of Plan Commission to the Planning and Architectural Review Commission

Motion by Ald. Bailey, seconded by Ald. Vukovic, to approve the Ordinance Amending Title 2 “Government Administration,” Chapter 4 “Boards, Commissions and Committees,” Sections 2.4.4 “City Plan Commission,” 2.4.6 Advisory Committee on Esthetics and Conservation,” 2.4.7 “Floodplain Management Advisory Committee,” 2.4.8 “Marketing Committee,” 2.4.9 “Architectural Review Board,” and 2.4.13 “Board of Public Works Eliminated” of the Code of General Ordinances of the City of Glendale was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

V. File No. _____

Discussion and Consideration to request review by the Plan Commission an ordinance amending and Re-Naming Title 13 Article K “Accessory Uses and Structures; Fences and Hedges; Portable Storage Structures and Donation Drop-Off Boxes,” and amending Section 13.1.142, “Fences and Hedges” of Title 13, “Zoning,” and amending Title 8 “Human Health Hazard / Public Nuisance,” Section 8.1.9(d)(13) of the Code of General Ordinances of the City of Glendale

Community Development Director, John Fellows, stated City Staff have been reviewing various ordinances and processes. Title 13, Article K related to fences, walls, hedges, and windscreens. Fence, wall, windbreak, and hedge structures reflect the community aesthetic and have the potential to positively or negatively affect the ambience and desirability, and therefore the property values of the City of Glendale. City Staff has worked to reorganize the ordinance to make it more user friendly and more easily readable by the majority of citizens, developers, and others who might use the Code.

Motion by Ald. Shaw, seconded by Ald. Vukovic, to request review by the Plan Commission of an ordinance amending and Re-Naming Title 13 Article K “Accessory Uses and Structures; Fences and Hedges; Portable Storage Structures and Donation Drop-Off Boxes,” and amending Section 13.1.142, “Fences and Hedges” of Title 13, “Zoning,” and amending Title 8 “Human Health Hazard / Public Nuisance,” Section 8.1.9(d)(13) of the Code of General Ordinances of the City of Glendale was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

VI. File No. _____

Discussion and consideration of a recommendation to direct the Plan Commission to consider a revised general development plan for AH+S Realty, LLC/Olivia Inc. (doing business as Casa de Corazón) for a proposed daycare and preschool, at 4600 N Port Washington Road, in the Planned Unit Development (PD) zoning classification, Planned Mixed Use land use classification, and Tax Key Number 234-8003-000.

Community Development Director, John Fellows, stated AH&S Realty, LLC is or will soon be under contract to sell the Property to Olivia Inc., a Wisconsin closely held corporation (doing business as Casa de

Corazón). Accordingly, the intended user is Olivia Inc. (doing business as Casa de Corazón). If for some reason the sale were not to proceed, the current owner would like to have the PD District reflect potential other uses. Staff recommends the City Council recommend requesting the Plan Commission to revise and provide a recommendation regarding the general development plan for a Planned Development District subject to several listed conditions.

Motion by Ald. Daugherty, seconded by Ald. Vukovic, to approve the Request for the Plan Commission to revise and provide a recommendation regarding the general development plan for a Planned Development District for AH+S Reality, LLC/Olivia Inc. (doing business as Casa de Corazón) for a proposed daycare and preschool, at 4600 N Port Washington Road, in the Planned Unit Development (PD) zoning classification, Planned Mixed Use land use classification, and Tax Key Number 234-8003-000, with the specified conditions, was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

VII. File No. _____

Discussion, consideration to scheduling a public hearing for a zoning map amendment from M-1 Warehouse, Light Manufacturing, Office and Services District to PD Planned Development District and a General Development Plan for a Planned Development for 4160 N Port Washington Road, Meta House, Tax Key Number 242-1198-004 and 242-1198-003.

Community Development Director, John Fellows, stated Meta House is looking to relocate to the properties located at Tax Key Number 242-1198-004 and 242-1198-003 generally known as 4160 N Port Washington Road. These facilities will consist of office, outpatient and inpatient facilities. The property is currently classified as Industrial with a zoning of M-1. The applicant is in the process of requesting a land use change to Map 5 on Page 52 of the comprehensive plan to Planned Mixed Use. The applicant is requesting to rezone to PD - Planned Development. The land use plan must be updated prior to any final rezoning action of zoning. The two requests are being processed concurrently. The applicant is also requesting approval of a general development plan for the Planned Development. A specific Plan and Development agreement will be presented after rezoning and the general development plan is approved.

Motion by Ald. Vukovic, seconded by Ald. Bailey, to approve the request to schedule a public hearing at the earliest convenience for a zoning map amendment from M-1 Warehouse, Light Manufacturing, Office and Services District To PD Planned Development District and a General Development Plan for a Planned Development for 4160 N Port Washington Road, Meta House, Tax Key Number 242-1198-004 and 242-1198-003 was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

VIII. File No. _____

Discussion and consideration of a recommendation to staff to schedule a public hearing at the earliest convenience for a zoning map amendment from B-1 "P" Business and Commercial District to a M-1 Warehouse, Light Manufacturing, Office, and Service District, for Sprecher Property III, LLC at 727 W. Glendale Avenue, in the Planned Mixed Use Land Use Classification, Tax Key Number 233-1170-002.

Community Development Director, John Fellows, stated the applicant is seeking to rezone 727 W Glendale Avenue from B-1 "P" to M-1 Warehouse, Light Manufacturing, Office and Service District. The applicant has indicated that the current occupants will remain which consist of warehousing for Sprecher Brewing, and a printing shop for Mandel Graphic Solutions. The site has approximately 20 parking spaces. They estimate that business hours will be M-F 6am to 6pm with 25 full-time employees and 40 part-time employees. Sprecher is requesting the zoning be returned to industrial zoning which more aligns with the construction of the building from 1953-1964 and will "enable Sprecher to plan for future development optionality." At this time no modifications to the structures or site have been proposed.

Motion by Ald. Gelhard, seconded by Ald. Daugherty, to approve to approve the request to schedule a public hearing at the earliest convenience for a zoning map amendment from B-1 “P” Business and Commercial District to a M-1 Warehouse, Light Manufacturing, Office, and Service District, for Sprecher Property III, LLC at 727 W. Glendale Avenue, in the Planned Mixed Use Land Use Classification, Tax Key Number 233-1170-002 was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

IX. File No. _____

Discussion and Consideration of a recommendation to staff to schedule a public hearing at the earliest convenience for Map Amendments for properties owned by the Milwaukee Metropolitan Sewage District and the City of Glendale from R-7 to the C-1 Zoning District for 6130 and 6521 N. Sunny Point Road, 6411, 6435, 6459, 6477, 6515, 6573, 6583, 6593, 6595, and 6599 Sunny Point Lane, Single Family and Environmental Corridor land use classifications, Tax Keys 162-0067-001, 134-0021-001, 134-0018-001, 134-0017-001, 134-0014-003, 134-0013-001, 134-0001-000, 134-0008-000, 134-0008-000, 134-0007-000, 134-0006-000, 134-0003-000, 134-0005-000.

Community Development Director, John Fellows, stated over the last decade, several parcels have been purchased through a program with the Milwaukee Metropolitan Sewage District (MMSD). At the time of purchase these properties included various residential structures that have been or are in the process of being removed. Under our agreement with MMSD, these properties have restrictions on them that limit uses and essentially prohibit redevelopment opportunities. Two similar parcels 134-0019-000 and 161-0092-000 were rezoned to C-1 to have the zoning map better represent development potential on these properties. These properties within the Comprehensive Land Use Map are classified as single family residential with environmental corridors. Because these properties are within the floodplain or floodway and the structures were removed to prevent further flooding, staff is recommending that they be rezoned to C-1 or Conversation. As the City obtains additional properties over the years, staff will work to present similar zoning map amendments. Staff has also been working with MMSD to provide a plan for these properties such as additional forestation, trails and/or stormwater retention. Plan Commission recommended on March 7, 2023 to rezone the properties from R-7 to C-1.

Glendale resident Patricia Matusiak, 1124 W Riverview Dr, expressed concern regarding the zoning near the Milwaukee River and rezoning of properties to C-1. Ms. Matusiak does not see anything in the 2040 Plan regarding use of the properties on the Milwaukee River, which she is also concerned about. Since removing the Estabrook Dam, the possibility of a flood is reduced and she expressed concern over Clark Dietz’s measurements and restrictions in the flood fringe area. Mayor Kennedy stated in the 2040 Master Plan no development opportunities in that area were identified, and the properties which were acquired will be turned into conservancy spaces and left undeveloped. Mayor Kennedy recommended Ms. Matusiak speak with City staff so they can explain the flood fringe and the 50% rule from FEMA.

Motion by Ald. Schmelzling, seconded by Ald. Gelhard, to approve the request to schedule a public hearing at the earliest convenience for Map Amendments for properties owned by the Milwaukee Metropolitan Sewage District and the City of Glendale from R-7 to the C-1 Zoning District for 6130 and 6521 N. Sunny Point Road, 6411, 6435, 6459, 6477, 6515, 6573, 6583, 6593, 6595, and 6599 Sunny Point Lane, Single Family and Environmental Corridor land use classifications, Tax Keys 162-0067-001, 134-0021-001, 134-0018-001, 134-0017-001, 134-0014-003, 134-0013-001, 134-0001-000, 134-0008-000, 134-0008-000, 134-0007-000, 134-0006-000, 134-0003-000, 134-0005-000 was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

IX. File No. _____

Discussion and Consideration of a recommendation to staff to schedule a public hearing at the earliest convenience for an ordinance creating Section 13.1.18, “Home Occupations, “and Deleting Part (a) (45) of

Section 13.1.200, “Home Occupation” of Chapter 1, “Zoning Code,” of Title 13, “Zoning,” of the Code of Ordinances of the City of Glendale.

Community Development Director, John Fellows, stated City Council has been discussing possible revisions to the Home Occupation ordinance to better address concerns and have an ordinance that is easier to understand by the public. The Council discussed the proposed draft at the January 9th and January 23rd City Council meetings. The Council has recommended review of the ordinance by Plan Commission and is seeking a recommendation from the Plan Commission. Based upon comments from Council at the January 23, 2022, it appears that a number of the City Council would like an ordinance that better allows residents to perform work from home with less residents, but still allow enforcement of items that cause a disruption to the residential neighborhood. The City Council is asking that the Plan Commission review this and make a recommendation to the City Council. The Plan Commission recommended approval of the changes at their March 7, 2023, meeting.

Motion by Ald. Gelhard, seconded by Ald. Bailey, to approve the request to schedule a public hearing at the earliest convenience for an ordinance creating Section 13.1.18, “Home Occupations, “and Deleting Part (a) (45) of Section 13.1.200, “Home Occupation” of Chapter 1, “Zoning Code,” of Title 13, “Zoning,” of the Code of Ordinances of the City of Glendale was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

IX. File No.

Discussion and Consideration of a recommendation to staff to schedule a public hearing at the earliest convenience regarding a Zoning Text Amendment for Title 13 Zoning, Chapter 1 Zoning Code, Section 38 “S-1 SPECIAL (INSTITUTIONAL) DISTRICT,” Subsection (d) “Front Yard requirements” of the Code of Ordinances of the City of Glendale.

Community Development Director, John Fellows, stated the S-1 Special (Institutional) District currently allows for decreased setbacks for structures that are not recreational or educational in nature. Staff is recommending that the same flexibility be provided to Front yard requirements within the S-1 District. The side yards and rear yards allow for a 10-foot setback. Staff is recommending that the 15-foot setback be established for front yard requirements. This flexibility will allow for recreational facilities elements such as fencing, security gates, and other features commonly found on a school property to be placed at 15 feet rather than the 35 foot as currently required. Plan Commissions recommended on March 7, 2023 to the ordinance text changes regarding the S-1.

Motion by Ald. Bailey, seconded by Ald. Vukovic, to approve the request to schedule a public hearing at the earliest convenience for a Zoning Text Amendment for Title 13 Zoning, Chapter 1 Zoning Code, Section 38 “S-1 SPECIAL (INSTITUTIONAL) DISTRICT,” Subsection (d) “Front Yard requirements” of the Code of Ordinances of the City of Glendale was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

COMMISSION, COMMITTEE, BOARD, AND STAFF REPORTS.

There were several updates from Council members, on the activities of the various Commissions, Committees and Boards on which they serve as a Member and an Administrator update.

CLOSED SESSION.

Motion by Ald. Daugherty, seconded by Ald. Gelhard, to convene in Closed Session per Wis. Stats. §19.85(1)(c) to consider the employment, promotion, compensation, wage ranges or performance evaluation data of public employees, in all departments over which the Council has jurisdiction or exercises responsibility (Performance Evaluation of Deputy City Administrator). Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried.

A closed session of approximately 38 minutes was held. The Council discussed a Resignation Agreement & Release for the Deputy City Administrator and a Master Services Agreement with Jefferson Wells for Interim Accounting Services to provide audit preparation services and a finalized audit for Clifton Larson Allen for Fiscal Year 2021. Approval agreement and scope of work vukovic, daugherty.

Motion by Ald. Vukovic, seconded by Ald. Schmelzling, to reconvene to open session and regular order of business. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried.

ACTION ON CLOSED SESSION ITEMS.

Motion by Ald. Vukovic, seconded by Ald. Daugherty, to approve the Master Services Agreement with Jefferson Wells for Accounting Support Services. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried.

ADJOURNMENT.

There being no further business, motion was made by Ald. Shaw, seconded by Ald. Gelhard, to adjourn the meeting. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried and adjournment of the Common Council was ordered at 7:56 p.m., until Monday, March 27, 2022, at 6:00 p.m.

Megan Humitz
City Clerk