

CITY OF GLENDALE COMMON COUNCIL
August 27, 2018

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 Kennedy at 6:00 p.m.

Roll Call: Present: Ald. Tomika Vukovic, Jim Daugherty, John C. Gelhard, Richard Wiese, Steve Schmelzling and JoAnn Shaw. Absent: None

Other Officials Present: City Administrator Rachel Reiss; City Attorney John Fuchs; Interim Police Chief Mark Ferguson, and City Clerk Miranda Etzel.

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.

Administrator Reiss advised that in accordance with the Open Meeting Law, the local news media was advised on Friday, August 24, 2018, 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.

HEARING BEFORE THE COMMON COUNCIL.

Administrator Reiss reviewed the permit issued to Mr. And Mrs. Lunz to allow for natural landscaping in the right-of-way at the property located at 5690 North Dexter Avenue in 2008. Since 2012, there have been several violations to the permit issued. Ms. Reiss advised that Mr. and Mrs. Lunz, of 5690 North Dexter Avenue, were in the audience, and wanted to speak regarding the review of permit for Natural Landscaping in the Right-of Way. Mrs. Lunz began by stating that their natural landscape is healthier for plants, animals, humans, it prevents run-off to rivers, lakes; trees evolve; their plants keep trees healthier. She stated she is glad to cut down to seven (7) inches. She stated that the City Ordinance for grass and weeds is eight (8) inches, whereas the permit for their landscape is seven (7) inches. Mrs. Lunz asked if the City wants to replace their natural landscape with grass. Mrs. Lunz stated that what they have in their yard is more original, and that grass is an alien species, but ultimately agrees to take down her landscape, but believes that seven (7) inches is "drastic." Mrs. Lunz then agreed to bring the landscape to a "reasonable level," but not to seven (7) inches.

Mr. Lunz explained the City gets complaints, and believes it is unfair to find out about the complaints in a meeting, or a letter to Alderman Shaw, and believes he should know

who the complainant is. Mr. Lunz states he met with Attorney Fuchs approximately one (1) year ago, and though Attorney Fuchs said they would meet again in the spring, the meeting never occurred. Mr. Lunz agreed to take the landscape down to seven (7) inches. Mr. Lunz stated that other plants are not native to Wisconsin. Mr. Lunz stated that Administrator Reiss mentioned two (2) Ironwood trees, and that the original Ironwood tree was ruined by new sidewalks and street. Mr. Lunz stated that he will take the landscaping down to the City limit of seven (7) inches; however, he would like the trees to remain.

Mrs. Lunz produced photos of native plants, yellow flowers, to Council on her iPad, and mentioned she would had to have it taken down.

Attorney Fuchs provided more context of the issue of the natural landscape; there have been multiple issues with this property dating back to 2012. Attorney Fuchs stated when he met with the Lunzes in October 2016, the Lunzes agreed to maintain the landscaping as indicated in the permit. Attorney Fuchs stated in November 2012, there was not progress, then some; the issues remained in July 2017, December 29, 2017, and still in Spring 2018 and Summer 2018. Attorney Fuchs admits he did not follow-up with Mr. Lunz, but stated that progress was not adequate, and the property has not been in compliance since 2012. Attorney Fuchs stated that the City typically does not reveal the name of the complainants, and typically plays these things close to the vest to reduce neighbor disputes, but maintains that the property is still out of compliance.

Kathleen Carey, 5711 N. Crestwood Blvd., stated that as a realtor when marketing, she walks door-to-door, the sidewalk in front of the Lunz property is compromised.

Motion by Ald. Wiese, seconded by Ald. Gelhard to close the hearing.

Motion was made by Ald. Wiese, seconded by Ald. Shaw, to revoke the permit for Natural Landscaping in the Right-of-Way at 5690 North Dexter Avenue.

Ald. Vukovic requested clarification on the permit revocation.

Motion made by Ald. Wiese, seconded by Ald. Shaw to amend the motion to include stay the revocation for sixty (60) days; direct staff to report back to the Council as to the status; direct staff to stay enforcement actions and allow for the ironwood trees to remain. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling and Shaw. Noes: None. Absent: None. Motion carried unanimously.

Motion made by Ald. Wiese, seconded by Ald. Shaw to remove the permit for natural landscaping within the right-of-way immediately and stay the city ordinance for grass in the right-of way for sixty (60) days; direct staff to report back to the Council as to the status; direct staff to stay enforcement actions. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling and Shaw. Noes: None. Absent: None. Motion carried unanimously.

ADOPTION OF COUNCIL MINUTES.

Motion was made by Ald. Vukovic, seconded by Ald. Wiese, to approve the minutes of the meeting held on August 13, 2018, upon correction. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling and Shaw. Noes: None. Abstain: None. Absent: None. Motion carried unanimously.

PUBLIC COMMENT.

No public comments were heard.

COMMUNICATIONS, APPLICATIONS AND PETITIONS.

I. File No _____

Communication from Administrator Reiss, re: Fall Newsletter.

Administrator Reiss reviewed the content of the Fall Newsletter.

Ald. Wiese stated that he was going to receive a spring discount from a contractor on the repaving of his driveway, but the discount went away when the contractor realized Glendale has a ban on coal tar products. Ald. Wiese stated that contractors read Ordinances.

Ald. Schmelzling stated that he used the Glendale website to pay his water bill, and would like autopay to be incorporated in a future newsletter.

Motion was made by Ald. Shaw, seconded by Ald. Gelhard, to approve the Fall Newsletter. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling and Shaw. Noes: None. Absent: None. Motion carried unanimously.

II. File No _____

Communication from Interim Police Chief Ferguson, regarding Kletzsch Park Emergency Siren.

Interim Police Chief Ferguson explained that the Kletzsch Park Emergency Siren is no longer operable. After researching emergency sirens, staff is unable to determine the minimum decibel level for emergency sirens. Interim Police Chief Ferguson spoke with a company who suggested that the Kletzsch Park Emergency Siren be replaced with a T128 siren which is equivalent to the siren that is being replaced.

Administrator Reiss stated that Milwaukee County has no desire to pay for the siren. Ms. Reiss stated that Glendale has two (2) sirens located at Kletzsch Park and Bayshore. Milwaukee County owns the siren at Lincoln Park.

Ald. Vukovic asked if a replacement for the Kletzsch Park Emergency Siren is needed when people have cell phones, and receive alerts on them. Administrator Reiss stated that sirens were the only way people knew to take cover.

Ald. Weise stated that people north may not be able to hear the sirens at Lincoln Park and/or Bayshore, and feels the siren would be appropriate.

Ald. Schmelzling stated that a siren at Kletzsch Park could be heard north, and that some people do not have cell phones, and therefore would not receive alerts. Ald. Schmelzling feels the siren has a purpose, as he has people within his community who do not utilize technology on Saturdays, and feels it is important to restore the siren.

Motion was made by Ald. Wiese, seconded by Ald. Daugherty, to approve the replacement of the Kletzsch Park Emergency Siren with a T128 Siren, to be paid for out of the City contingency funds. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling and Shaw. Noes: None. Absent: None. Motion carried unanimously.

III. File No _____

Communication from Administrator Reiss regarding Applications for Temporary Picnic Licenses filed by Bavarian Soccer Club, with City staff to approve the licenses, and Council members to find out after the fact.

Motion was made by Ald. Daugherty, seconded by Ald. Gelhard, to issue Temporary Picnic Licenses. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

IV. File No _____

Communication from Administrator Reiss regarding Application for Used Vehicle Dealer's and Used Parts License by John Amato CDJR, Inc.

Motion was made by Ald. Daugherty, seconded by Ald. Wiese, to approve the Used Vehicle Dealer's and Used Parts License applied for by John Amato CDJR, Inc. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

UNFINISHED BUSINESS.

V. File No _____

Communication from Interim Police Chief Ferguson regarding an update on Buffalo Wild Wings and Applebee's Calls for Service.

Interim Police Chief Ferguson stated that while police calls from Buffalo Wild Wings are down, calls from Applebee's are up.

Interim Police Chief Ferguson met with the General Manager from both restaurants. Buffalo Wild Wings has taken steps to address issues by enforcing rules, and having more security. Interim Police Chief Ferguson stated that Buffalo Wild Wings likely spends most of what they net on security.

Interim Police Chief Ferguson stated that he met with the person who originally opened Applebee's, and that that person was dismayed by the problems, and terminated most of the staff and management. Interim Police Chief Ferguson stated that the new manager is implementing new staff and rules; Interim Police Chief Ferguson asks that Applebee's be given time to fix the issues.

VI. File No _____

Communication from Administrator Reiss regarding an Update on Polling Places.

Administrator Reiss stated that Cardinal Stritch is very interested in serving as a polling location. Polling would take place in Bonaventure Hall. The Hall is in Glendale; however, the hallway to get to the Hall is in Fox Point.

Administrator Reiss stated that with City Hall coming down, we would need to relocate meetings and voting to the Maslowski Park Community Center; looking for feedback; okay with three (3) locations; put together Resolution and temporary location for City Hall voting; residents would receive postcard with updated information, elections newsletter, Facebook, social media, Next Door.

Ald. Daugherty stated that residents do not want to change locations. Administrator Reiss stated that no decisions are being made tonight, but at the next meeting.

Ald. Wiese feels that the polling location of Cardinal Stritch being located in Fox

Point is much ado about nothing, and feels Cardinal Stritch is a good location because of parking and the abundance of handicap spots.

Ald. Schmelzling feels Cardinal Stritch is a good location with many bus stops nearby; he also feels it is larger to handle more people, and is not worried.

Ald. Gelhard is in favor of using Cardinal Stritch as a polling location.

Mayor Kennedy requested that residents be notified of any change by as many means of communication as possible.

NEW BUSINESS.

VII. File No _____

Ordinance Amending Title 7, Chapter 2, Section 4(f) of the Glendale Code pertaining to Issuing Temporary Class “B” Fermented Malt Beverage Licenses.

Administrator Reiss reminded Council of what was spoken of at the August 13, 2018 Common Council Meeting with regard to the Bavarian Soccer Club’s license request was brought in with no time to have Council review prior to the event, with the consensus of the Council to request an ordinance amendment to allow for staff to approve future license requests with stipulations.

Based upon the recommendation of Administrator Reiss, motion was made by Ald. Wiese, seconded by Ald. Gelhard to approve Ordinance Amending Title 7, Chapter 2, Section 4(f) of the Glendale Code pertaining to Issuing Temporary Class “B” Fermented Malt Beverage Licenses by staff. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

VIII. File No _____

Early Voting – for the November 8, 2018 Election.

Administrator Reiss stated the State of Wisconsin allows for six (6) weeks, however, due to the anticipated construction at City Hall, the City will have five (5) weeks of early voting with extended hours from 7:00 a.m. to 7:00 p.m. on several days.

Motion was made by Ald. Daugherty, seconded by Ald. Shaw to approve the early voting schedule recommended by Administrator Reiss. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

IX. File No _____

Temporary Relocation of the Common Council and Plan Commission Meetings.

Administrator Reiss informed the Council that North Shore Library has offered to allow Common Council and Plan Commission meetings at their location. Administrator Reiss also stated that the David Hobbs Honda for the People Community Center at Richard E. Maslowski Community Park is also available for use. Administrator Reiss recommended that the location be consistent throughout the entire time.

Mayor Kennedy inquired about the location to be used for the Community Development Authority and Board of Appeals.

Administrator Reiss suggested that all meetings be held at the same location, and further suggested using the David Hobbs Honda for the People Community Center at Richard E. Maslowski Community Park. Administrator Reiss suggested that all meetings be held at David Hobbs Honda for the People Community Center at Richard E. Maslowski Community Park since staff at the Community Center can set-up and break down the tables.

Mayor Kennedy suggested we could have the Community Development Authority and Board of Appeals meetings at the park as necessary.

Motion was made by Ald. Daugherty, seconded by Ald. Wiese to use the David Hobbs Honda for the People Community Center at Richard E. Maslowski Community Park for all City meetings during construction. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

RECEIPT OF THE MONTHLY DEPARTMENTAL REPORTS.

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

COMMISSION, COMMITTEE AND BOARD REPORTS.

There were several updates from Council members, on the activities of the various Commissions, Committees and Boards on which they serve.

Interim Chief Ferguson updated the Council on the numerous break-ins and stealing of vehicles in the City over the past several weeks.

CLOSED SESSION.

Mayor Kennedy suggested a Motion to Convene into Closed Session be made. Motion was made by Ald. Schmelzling, seconded by Ald. Shaw to convene in Closed Session at 7:29 p.m. per Section 19.85(1)(e) of the Wisconsin Statutes, deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business. (Discussion with legal counsel re potential litigation strategy regarding alleged zoning code violation – rooming house in residential neighborhood, and status of the renegotiation of Bayshore Development Agreement). Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling and Shaw. Noes: None. Absent: None. Motion carried unanimously.

A closed session of approximately 55 minutes was held in which the Council discussed potential litigation strategy regarding alleged zoning code violation – rooming house in residential neighborhood, and status of the renegotiation of Bayshore Development Agreement.

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

ADJOURNMENT.

There being no further business, motion was made by Ald. Wiese, seconded by Ald. Gelhard, to adjourn the meeting. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried and adjournment of the Common Council was ordered at 8:25 p.m. until Monday, September 10, 2018 at 6:00 p.m.

Miranda Etzel
City Clerk

Recorded: August 28, 2018