

CITY OF GLENDALE
5909 North Milwaukee River Parkway
Glendale, Wisconsin 53209

This meeting is in person, but will be broadcast over Zoom to
accommodate residents with COVID concerns.

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Meeting ID: 954 5991 3672

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AGENDA—COMMON COUNCIL MEETING

Monday, May 22, 2023

6:00 p.m.

1. Roll Call and Pledge of Allegiance.
2. Public Comment. Glendale residents, business owners, and property owners are invited to speak to the Council on items that are not on tonight's agenda but are within the City's ability to regulate or control.
3. Consent Agenda:
 - a) Adoption of Minutes: Meeting held on May 8, 2023
 - b) Approval: Monthly Reports
4. Unfinished Business
 - a) Review and Possible Action: Resolution – Establishing Procedures for Outstanding and Uncollectible Court Debt
5. New Business: (The public may speak to the Council prior to the beginning of deliberations on these items, provided they have notified their respective Alderperson or the Mayor in advance of this meeting).
 - a) Review: Participation in Milwaukee's Juneteenth Parade
 - b) Review and Acceptance: 2022 Annual Report
 - c) Review and Possible Action: Proclamation – Recognizing Employee for Years of Service
 - d) Review and Possible Action: Used Vehicle Dealer's and Used Parts License for VHAG Milwaukee, LLC, located at 6100 N. Green Bay Road
 - e) Review and Possible Action: Ordinance – Amending Sections 10.4.2 and 10.4.4 of the Code of General Ordinances of the City of Glendale Pertaining to All-Terrain Vehicles and Off-Road Motor Vehicle Operation
 - f) Review and Possible Action: Ordinance – Creating Title 3, Chapter 7, titled Professional Fees and Escrow
 - g) Review and Possible Action: Ordinance – Amending Chapter 5.8, "Residency Restrictions for Sex Offenders and Directing Action for Injunctive Relief for Violation Thereof"
 - h) Review and Possible Action: Consideration and approval of a specific development plan for a Planned Development District for Meta House, 4160 N. Port Washington Road, PD Planned Development District, Planned Mixed-Use Land Use Classification, Tax Key Number 242-1198-004 and 242-1198-003.
 - i) Review and Possible Action: Consideration of a Development agreement for a Planned Development District for Meta House, 4160 N. Port Washington Road, PD Planned Development District, Planned Mixed-Use Land Use Classification, Tax Key Number 242-1198-004 and 242-1198-003.

Upon reasonable notice, efforts will be made to accommodate the needs of
persons with disabilities.

- j) Review and Possible Action: Consideration and approval of a Tax-Exempt Payment in Lieu of Taxes (PILOT) agreement for a Planned Development District for Meta House, 4160 N. Port Washington Road, PD Planned Development District, Planned Mixed-Use Land Use Classification, Tax Key Numbers 242-1198-004 and 242-1198-003.
6. Commission, Committee, Board and Staff Reports: (This is an Opportunity for Council Members to Report on their Respective Committees, Commissions, Boards of which they serve as a Member and for Staff and Administrator updates)
7. Closed Session: The Common Council will convene in Closed Session per Wis. Stat. § 19.85(1)(c) to consider the employment, promotion, compensation, wage ranges or performance evaluation data of public employees over which the Council has jurisdiction or exercises responsibility (Performance Evaluation of Deputy City Administrator).
8. Reconvene to Open Session and Regular Order of Business.
9. Possible Action on Closed Session Items.
10. Adjournment.

3A-3C
5/22/2023

CONSENT AGENDA

- a) [Adoption of Minutes: Meeting held on May 8, 2023](#)
- b) [Approval: Monthly Reports](#)

SUBJECT: Permanent Stay of Outstanding Uncollectible Debt

FROM: Mary Bersch, Court Clerk
Karl Warwick, City Administrator

MEETING DATE: May 22, 2023

FISCAL SUMMARY:

Budget Summary:	N/A
Budgeted Expenditure:	N/A
Budgeted Revenue:	N/A

STATUTORY REFERENCE:

Wisconsin Statutes:	N/A
Municipal Code:	N/A

BACKGROUND/ANALYSIS: Please find enclosed the revised Resolution regarding North Shore Court debt that was revised based on the previous discussions by the City Council.

RECOMMENDATION:
Approve the Resolution

ACTION REQUESTED:
Motion to approve the Resolution adopting procedures for outstanding and uncollectible debt of the North Shore Court.

ATTACHMENTS:
1. [Resolution](#)

SUBJECT: Discussion regarding participation in Milwaukee’s Juneteenth Parade

FROM: Tomika Vukovic, Alderwoman

MEETING DATE: May 22, 2023

FISCAL SUMMARY:

Budget Summary:	N/A
Budgeted Expenditure:	N/A
Budgeted Revenue:	N/A

STATUTORY REFERENCE:

Wisconsin Statutes:	N/A
Municipal Code:	N/A

BACKGROUND/ANALYSIS:

Alderwoman Vukovic is requesting Common Council’s consideration regarding the upcoming City of Milwaukee Juneteenth Observation/Celebration.

Juneteenth is observed on June 19th each year commemorating the emancipation of enslaved African Americans back in 1865.

In the past, Glendale officials have participated in the parade.

RECOMMENDATION:

Not applicable.

ACTION REQUESTED:

Discussion on Glendale officials’ participation in Milwaukee’s Juneteenth Parade.

ATTACHMENTS:

None.

SUBJECT: Filing of 2022 Annual Report

FROM: Karl Warwick, City Administrator

MEETING DATE: May 22, 2023

FISCAL SUMMARY:

Budget Summary:	N/A
Budgeted Expenditure:	N/A
Budgeted Revenue:	N/A

STATUTORY REFERENCE:

Wisconsin Statutes:	N/A
Municipal Code:	N/A

BACKGROUND/ANALYSIS:

Attached is the 2022 Annual Report.

RECOMMENDATION:

Upon Council approval, the report will be posted on the website with past annual reports. It will also be distributed to all committee and commission members.

ACTION REQUESTED:

Motion to place the 2022 Annual Report on file.

ATTACHMENTS:

1. [2022 Annual Report.](#)

SUBJECT: A Proclamation Recognizing Christopher R. Lipscomb for his 25 Years of Service to the City of Glendale.

FROM: Bryan Kennedy, Mayor

MEETING DATE: May 22, 2023

FISCAL SUMMARY:

Budget Summary:	N/A
Budgeted Expenditure:	N/A
Budgeted Revenue:	N/A

STATUTORY REFERENCE:

Wisconsin Statutes:	N/A
Municipal Code:	N/A

BACKGROUND/ANALYSIS:

The attached Proclamation recognizes and thanks Judge Christopher Lipscomb for his 25 years of exceptional service to Glendale.

RECOMMENDATION:

Approve the Proclamation.

ACTION REQUESTED:

Motion to approve the Proclamation Recognizing Judge Christopher Lipscomb for his 25 Years of Service to the City of Glendale.

ATTACHMENTS:

1. [Proclamation.](#)



5909 North Milwaukee River Parkway
Glendale, WI 53209

SUBJECT: Recommendation for Approval of Application for Used Vehicle Dealer’s and Used Parts License Filed by VHAG Milwaukee, LLC for Van Horn Honda of Glendale, located at 6100 North Green Bay Avenue.

FROM: Megan Humitz, City Clerk

MEETING DATE: May 22, 2023

FISCAL SUMMARY:

Budget Summary:	N/A
Budgeted Expenditure:	N/A
Budgeted Revenue:	N/A

STATUTORY REFERENCE:

Wisconsin Statutes:	N/A
Municipal Code:	7.13

BACKGROUND/ANALYSIS:

Application for a Used Vehicle Dealer’s and Used Parts License, filed by VHAG Milwaukee, LLC for Van Horn Honda of Glendale located at 6100 North Green Bay Avenue. Operation of this dealer business is in accordance with local zoning, building code, and permit requirements. Police Department background checks have been completed and approved.

RECOMMENDATION:

All applications are on file in the Clerk’s office. The appropriate background checks were completed by the Police Department.

Staff recommends approval of the License.

ACTION REQUESTED:

Motion to approve the Application for Used Vehicle Dealer’s and Used Parts License Filed by VHAG Milwaukee, LLC for Van Horn Honda of Glendale, located at 6100 North Green Bay Avenue.

ATTACHMENTS:

None.

SUBJECT: Amendment to Sections 10.4.2 and 10.4.4 of the Code of General Ordinances Pertaining to All-Terrain Vehicles and Off-Road Motor Vehicle Operation.

FROM: Mark Ferguson, Police Chief

MEETING DATE: May 22, 2023

FISCAL SUMMARY:

Budget Summary:	N/A
Budgeted Expenditure:	N/A
Budgeted Revenue:	N/A

STATUTORY REFERENCE:

Wisconsin Statutes:	N/A
Municipal Code:	Title 10.4

BACKGROUND/ANALYSIS:

Amending Section 10.4.2, Speed Limits and Section 10.4.4 (c)(2), Unauthorized operation of motor vehicles on public and private property, to allow exemptions for authorized municipal vehicles. These exemptions will allow the police department UTV and DPW vehicles to lawfully operate on the Oak Leaf trail and other off-road locations.

RECOMMENDATION:

Recommend approving the amendments to Glendale Code of Ordinance 10.4.2 and 10.4.4.

ACTION REQUESTED:

Motion to approve the amendments to Glendale Code of Ordinance 10.4.2 and 10.4.4.

ATTACHMENTS:

1. [Portions of Title 10 affected by this request.](#)

SUBJECT: Discussion and consideration of an ordinance creating Title 3, Chapter 7 “Professional Fees and Escrow,” of the Code of General Ordinances of the City of Glendale

FROM: John S. Fellows, Community Development Director
Ken A. Smith, Planner

Meeting: Common Council

MEETING DATE: May 22, 2023

FISCAL SUMMARY:

Budget Summary:	N/A
Budgeted Expenditure:	N/A
Budgeted Revenue:	N/A

STATUTORY REFERENCE:

Wisconsin Statutes:	N/A
Municipal Code:	An Ordinance creating Title 3, Chapter 7

BACKGROUND/ANALYSIS:

City Staff have been reviewing various ordinances and processes. Currently, the City of Glendale charges back some engineering costs related to private development, while other cost that require outside professional review, administration, etc. are not charged back to specific developments.

Best practices provide for the ability for communities to request escrow funds to be placed on account with the city for various development projects. These funds are then drawn down as bills are incurred through the escrow. The development of a formal policy and the development of an escrow process will allow for a better process and ensure that the cost of development is not inadvertently imposed upon the taxpaying residents of the City of Glendale.

The proposed text amendments cover several items which include:

- General requirement of cost of professional services to be paid for by the private developer.
- Requirement for payment for specific tasks and professional services.
- Provides a process for reimbursement to the city through a billing process, and escrow process.
- Provides direction of the administration of the escrow funds.
- Provides a process for estimates for escrow, new process based upon a policy of a small, medium, and larger project. Staff is considering \$2,500, \$5,000, and \$10,000. In addition, there is an option to allow for estimates for unique projects.
- Provides direction to professionals to bill the city in detail monthly.
- Provides for a disbursement process.
- Provides for a replenishment process.
- Provides for final disbursement of funds at the end of a development project.

RECOMMENDATION:

- Staff recommends the City Council recommend approval of this ordinance.

ACTION REQUESTED:

Motion – To approve the ordinance as drafted.

ATTACHMENT:

[Attachment: Draft Ordinance](#)

[Attachment: Draft application form for reference.](#)

SUBJECT: Ordinance – Amending Chapter 5.8, “Residency Restrictions for Sex Offenders and Directing Action for Injunctive Relief for Violation Thereof”

FROM: Karl Warwick, City Administrator

MEETING DATE: May 22, 2023

FISCAL SUMMARY:

Budget Summary:	N/A
Budgeted Expenditure:	N/A
Budgeted Revenue:	N/A

STATUTORY REFERENCE:

Wisconsin Statutes:	N/A
Municipal Code:	N/A

BACKGROUND/ANALYSIS: The City is proposing to amend the City’s regulations regarding residency requirements for sex offenders to adjust the distance that sex offenders can live from places identified in the ordinance, such as parks, public swimming pools, public library, schools, athletic fields, movie theater, daycare, etc. The ordinance adjusts the distance requirement to 1,200 feet from these facilities and makes other updates to be consistent with State Law and recent court rulings.

RECOMMENDATION: Approved the ordinance regarding residency requirements for sex offenders.

ACTION REQUESTED: Motion to approve Ordinance amending Chapter 5.8, “Residency Restrictions for Sex Offenders and Directing Action for Injunctive Relief for Violation Thereof

ATTACHMENTS:

[Ordinance](#)

Residency Map

SUBJECT: Consideration and approval of a specific development plan for a Planned Development District for Meta House, 4160 N. Port Washington Road, PD Planned Development District, Planned Mixed-Use Land Use Classification, Tax Key Number 242-1198-004 and 242-1198-003.

FROM: John S. Fellows, Community Development Director

Meeting: Common Council

MEETING DATE: May 22, 2023

FISCAL SUMMARY:

Budget Summary:	N/A
Budgeted Expenditure:	N/A
Budgeted Revenue:	N/A

STATUTORY REFERENCE:

WI Statutes	N/A
Municipal Code:	Chapter 13, Zoning Ordinance

BACKGROUND:

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. Their facilities will consist of office, outpatient, and inpatient facilities. The property is currently classified as Industrial with a zoning of M-1.

The applicant has received approval for amendment to the Land Use Plan, a rezoning to Planned Development District (PD) with general development plan approval.

The Planning and Architectural Review Commission has recommended approval of the specific development plan.

Next steps in the process are to receive approvals for the specific development plan, development agreement, and fee in lieu agreement.

ANALYSIS:

Site Design

The current design of the site has an existing building with a large parking lot on the west side of the building. The proposed site plan is to blend the addition with the existing building and use the linkage between buildings and the main entry. A south facing courtyard will be provided. Parking will be between the building and Olive Street. The service area of the facility (dumpsters) will be in the southwest corner

of the new parking area. Fire access will be provided to the courtyard via a 30 ft. driveway. Site improvements include a sidewalk along Olive Street.

Architecture

The architecture of the building is a combination of industrial and residential styles coordinating the older repurposed industrial building and portions of the building with a more residential character via gabled roofs and residential style windows.

Materials

Materials on the existing building will remain. Materials for the new addition will complement the existing structure. The building will feature face brick in a cream color, Wood Look Fiber Cement Panels, metal panels, aluminum storefront window systems, and fiberglass window systems.

Lighting

The applicant is proposing to use Lithonia lighting for the parking area. The maximum height of 15-foot security lighting and landscaping lighting will also be provided.

Landscaping

The applicant proposes an extensive landscaping plan featuring a variety of plantings, screening, and special landscape features. The plan features:

- Landscape buffer and shade trees parallel to Olive Street
- Parking lot screening
- Internal parking lot plantings at islands and bump outs
- Foundation plantings
- Entry plaza plantings
- Enhanced landscaping at existing building
- Courtyard and playground plantings
- Evergreen screening at service area
- Prairie planting in the western portion of site

The landscaping plan is designed to provide an impression of full growth at the time of planting. The applicant has requested to work with staff closer to project completion to provide shrubs, grass, and perennial plantings at spacings that are based upon plant maturity, therefore allowing the plants to grow to their intended form. This may reduce the overall quality of plants but not reduce the intent of the design. A reference to this option is included within the draft Development Agreement for Common Council consideration.

Dumpster Enclosure

The dumpster enclosure is planned to have horizontal slats with a pattern consisting of 3 ½ board and 1 3/8 in boards. The dumpster area will be additionally screened with evergreens.

PROCESS / SCHEDULE:

The rezoning process is anticipated to have the following schedule:

General Development Plan and Rezoning

PARC	Specific Development Recommendation	May 02, 2022
Council	Specific Development Recommendation	May 22, 2022
Council	Development Agreement	May 22, 2022
Council	Fee In Lieu Agreement	May 22, 2022

STAFF COMMENTS:

Engineering and Public Works:

Below are preliminary comments from Public Works and Engineering. Subsequent comments will be forthcoming after we receive the Civil Site Plans.

1. Stormwater Comments:

- a. Based on the preliminary concept map; it appears there will be added impervious surface. If there will be over 5,000 SF of impervious surface added, stormwater management will be required. Please see the attached Criteria and Review Checklist for applicability. Comment Remains, no calculations for impervious have been provided.
- b. Any stormwater management facilities installed on the site to meet requirements must be accompanied by a maintenance agreement. A draft agreement is available upon request. Comment Remains.
- c. New Comment: The stormwater from the developed area will be routed through an underground treatment facility. Please provide details and existing vs proposed flows from the site.

2. Civil Site Comments:

- a. Modifications to roadway entrances must be detailed and will require ROW permits from the City.
- b. The storm sewer connection to West Olive St will require pavement repairs. The existing pavement is concrete; therefore, the pavement patch shall be concrete with drilled no. 4 dowel bars 12" spacing. Slurry backfill should be used up to bottom of pavement section.

3. Utility Comments:

- a. New Comments: The sanitary lateral has been shown to connect to an existing manhole (#1) onsite. Will the water service to the new building be from the existing water line on site?
- b. Coordination must occur with Glendale inspections and Water Department staff when planning for the connection to the water, sanitary and storm sewer facilities. Again, when those plans are submitted, we will know more and if this is applicable. Update: Coordinate with City staff for the storm sewer connection.

4. Landscape Comments:

- a. Trees and shrubs on the northern side of property should be salt tolerant and acceptable to be planted next to a road.
- b. Consider installing root barriers between the sidewalk and trees to prevent roots from breaking and heaving pavers, sidewalks, curbs and roads.
- c. Provide at least 10 feet of vertical clear space above sidewalks so there will be no interference from low-hanging branches and ensure horizontal clearance from fully developed shrubs.

North Shore Fire and Rescue (NSFR):

1. At the present time the NSFR does not have any comments or concerns.
2. Additional comments will be forth coming with occupancy applications and plan review.

Glendale Inspections:

1. At the present time the Building Inspection does not have any comments or concerns.
2. Additional comments will be forth coming with occupancy applications and plan review.

RECOMMENDATION:

Staff recommends that the Common Council grant approval of a specific development plan in conjunction with a Development Agreement and Fee in Lieu Agreement and subject to addressing the comments from Public Works and Engineering.

ACTION REQUESTED:

Motion – To grant approval of a Specific Development Plan subject to addressing the comments from Public Works and Engineering.

ATTACHMENT:

[Attachment – Specific Development Plan – 4160 N. Port Washington Road](#)

SUBJECT: Review and Possible Action regarding a development agreement for a Planned Development District for Meta House, 4160 N. Port Washington Road, PD Planned Development District, Planned Mixed-Use Land Use Classification, Tax Key Numbers 242-1198-004 and 242-1198-003.

FROM: John S. Fellows, Community Development Director

Meeting: Common Council

MEETING DATE: May 22, 2023

FISCAL SUMMARY:

STATUTORY REFERENCE:

Budget Summary:	N/A
Budgeted Expenditure:	N/A
Budgeted Revenue:	N/A

WI Statutes	N/A
Municipal Code:	Chapter 13, Zoning Ordinance

BACKGROUND:

Meta House seeks to relocate to the properties located at Tax Key Numbers 242-1198-004 and 242-1198-003 generally known as 4160 N. Port Washington Road. Their facilities will consist of office, outpatient, and inpatient facilities. The property was previously classified as Industrial with a zoning of M-1.

The applicant has received approval for amendment to the Land Use Plan, a rezoning to Planned Development District (PD) with General Development Plan approval.

The Planning and Architectural Review Commission has recommended approval of the specific development plan.

Next steps in the process are to receive approvals for the specific development plan, development agreement, and fee in lieu agreement.

ANALYSIS:

The Development Agreement has been prepared by staff and the City Attorney and has been reviewed and approved by the Applicant. The Development Agreement outlines the standards to which the property will be developed, site uses and improvements, and occupancy. The Agreement outlines the understanding between both parties.

RECOMMENDATION:

Staff recommends the Common Council grant approval of the Development Agreement in conjunction with the Fee in Lieu Agreement.

ACTION REQUESTED:

Motion – To grant approval of a development agreement in conjunction with a fee in lieu agreement.

ATTACHMENT:

[Attachment – Development Agreement – 4160 N. Port Washington Road](#)

SUBJECT: Consideration and approval of a Tax-Exempt Payment in Lieu of Taxes (PILOT) agreement for a Planned Development District for Meta House, 4160 N Port Washington Road, PD Planned Development District, Planned Mixed-Use Land Use Classification, Tax Key Numbers 242-1198-004 and 242-1198-003.

FROM: John S. Fellows, Community Development Director

Meeting: Common Council

MEETING DATE: May 22, 2023

FISCAL SUMMARY:

Budget Summary:	N/A
Budgeted Expenditure:	N/A
Budgeted Revenue:	N/A

STATUTORY REFERENCE:

WI Statutes	N/A
Municipal Code:	Chapter 13, Zoning Ordinance

BACKGROUND:

Meta House is looking to relocate to the properties located at Tax Key Numbers 242-1198-004 and 242-1198-003, generally known as 4160 N. Port Washington Road. Their facilities will consist of office, outpatient, and inpatient facilities. The property is currently classified as Industrial with a zoning of M-1.

The applicant has received approval for amendment to the Land Use Plan, a rezoning to Planned Development District (PD) with general development plan approval.

The Planning and Architectural Review Commission has recommended approval of the specific development plan.

Next steps in the process are to receive approvals for the specific development plan, development agreement, and fee in lieu agreement.

ANALYSIS:

The agreement between Meta House and the City outlines services typically covered by property tax, special assessments, special charges and fees, PILOT payments, payment due date, use of PILOT payment, and terms of the agreement. The agreement also allows for amendment if needed in the future.

RECOMMENDATION:

Staff recommends that the Common Council grant approval of an agreement for payments in lieu of taxes between Meta House, LLC and the City of Glendale, WI for N. 4160 N Port Washington Road, Tax Parcel Numbers 242-1198-003 and 242-1198-004.

ACTION REQUESTED:

Motion – To recommend grant approval of an agreement for payments in lieu of taxes between Meta House, LLC and the City of Glendale, WI for N. 4160 N. Port Washington Road, Tax Parcel Numbers 242-1198-003 and 242-1198-004.

ATTACHMENT:

[Attachment – PILOT – 4160 N. Port Washington Road](#)