

**CITY OF GLENDALE COMMON COUNCIL**

Meeting Minutes

January 9, 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; John Fellows, Community Development Director; Charlie Imig, Director of Public Works; 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, January 5, 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 Amanda Seligman, 7120 N. Braeburn Lane, provided a brief history of building codes as public health measures and the consequences of privatizing inspection processes. Ms. Seligman voiced concerns regarding the company the City of Glendale utilizes for building inspections, as the inspector was unwilling to wear a mask during a recent inspection.

CONSENT AGENDA.

I. File No. \_\_\_\_\_

Adoption of Minutes from Meetings held on December 12, 2022, and Approval of Accounts Payable.

Motion by Ald. Gelhard, seconded by Ald. Schmelzling, to Adopt Minutes from the Meeting held on December 12, 2022, and Approve Accounts Payable. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, and Schmelzling. Noes: None. Absent: None. Abstain: Ald. Shaw. Motion carried.

NEW BUSINESS.

II. File No. \_\_\_\_\_

A Proclamation Recognizing Dennis Fisher, Steve Scheldroup, and Officer Garret Yahr for Heroically Performing Life-Saving Measures

Director of Public Works, Charlie Imig, and Mayor Kennedy stated the provided Proclamation is to recognize Dennis Fisher, Steve Scheldroup, and Officer Garret Yahr for going above the line of duty in performing life-saving measures in dangerous weather conditions to aid a person in need on December 23, 2022.

Motion by Ald. Shaw, seconded by Ald. Daugherty, to approve the Proclamation Recognizing Dennis Fisher, Steve Scheldroup, and Officer Garret Yahr for Heroically Performing Life-Saving Measures.

Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: No. Abstain: None. Motion carried.

III. File No.

Update from Wisconsin Department of Transportation's I-43 N/S Project Team on the Project

Representatives from the Wisconsin Department of Transportation were present to give a presentation on the I-43 N/S Project as it pertains to the City of Glendale.

This item was discussed for informational purposes only.

IV. File No.

Short Term Rental Regulations

Administrator Warwick stated there are several short-term rental properties in the City of Glendale actively posted on various short-term rental sites. The City is in receipt of several complaints regarding these types of properties. The complaints have primarily centered around the fact that there were "strange" people in the neighborhood or concerns about the number and movement of vehicles at a specific property. When investigating these complaints, staff uncovered that the properties were listed as short-term rentals. While the City does not have many short-term rentals and the complaints have not involved anything criminal or disturbing the peace, staff is asking the City Council whether they wish to have Attorney Bayer draft an ordinance regulating short-term rental properties consistent with State Law. The Council determined they would like Administrator Warwick and Attorney Bayer to look into the process for regulating and licensing these rental properties on a local level, and return with that information to a future meeting.

This item was discussed for informational purposes only.

V. File No.

Review and Possible Referral to Plan Commission for Zoning Text Amendment Regarding Home Occupations

Mayor Kennedy stated currently, the regulations for Home Occupations are located within the definition section of the Zoning Code. This definition provides regulations within the definition section and provide ambiguity in some instances. Staff is proposing to create a stand-alone section for home occupations, providing specific details regarding a clearer definition, general requirement and performance criteria, specific requirements, permitted and prohibited home occupations. This ordinance does not require a permit or any form of registration of such use. Staff believes that this ordinance can be enforced by complaints and requiring permits and registration would be time consuming and for both residence and staff. Mayor Kennedy is requesting the Council to lay this item over to the January 23, 2023 meeting and to provide Staff with better recommendations for the language of the proposed text changes.

Glendale resident Brian Swanson, 1820 W. Wayside Drive, stated he believes the proposed regulations disproportionately affect blue collar trades, craftsmen, and artisans. He indicated the regulations limit chemicals, machinery, and tools which are already commonplace in the home and their use should be clarified better. There are also first amendment violations, such as restrictions on wedding planners, officiants, and religious counseling. Mr. Swanson recommends maximums or exceptions for a variance on many of the restrictions, limitations on operating hours or parking ordinances that target areas with known issues.

Glendale resident Robert Cronwell, 7530 N. Applewood Lane, stated he finds the ordinance language far too restrictive as written. He cites that the City seems to be attempting to put fixes on things that aren't currently problems, but are more common actions in a community and will not be prohibited. The response should instead be

looking at specific types of businesses that might cause the problems or addressing parking in places that it is an issue.

Glendale resident Lars Woehlck, 5705 N Sunny Point Road, stated he is not entirely in favor of the ordinance as it is written, but does believe something has to be done to address business which are run from residences that result in the large number of business vehicles parked in residential areas. Mr. Woehlck stated he resides in a cul-de-sac with several other families and children that enjoy walking and biking around the neighborhood. A para-transit company run out of a home in the cul-de-sac now has at least six to eight minivans operating at all times and parking overnight and during the day on the city street. This, plus the employees' personal vehicles, has increased the amount of traffic to an unreasonable level as the area is not designed for fleets of vehicles. The residents have submitted parking complaints, however there are no regulations during the day and as long as the vehicles have overnight permits nothing can be done to the personal vehicles parked on the street, while the commercial vehicles are in the driveway.

Motion by Ald. Gelhard, seconded by Ald. Vukovic, to layover the request for referral to the Plan Commission for recommendation to review the proposed text changes to the January 23, 2023 Council meeting. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

VI. File No. \_\_\_\_\_

Discussion and Consideration of an Amendment to the S-1 Zoning District regarding Front Yard Requirements

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 reactional 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.

Motion by Ald. Schmelzling, seconded by Ald. Gelhard, to approve referral to the Plan Commission for request to review the proposed text changes. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

VI. File No. \_\_\_\_\_

Discussion and consideration of the adoption of written procedures designed to foster public participation regarding updates and amendment of the Comprehensive Plan as required under Section 66.1001 of Wisconsin Statutes.

Community Development Director, John Fellows, stated State Statutes require communities to adopt a public participation plan for the creation and amendment of a community's comprehensive plan. In 2019, prior to the adoption of the current comprehensive plan the City of Glendale developed a public participation plan which is outlined in the document provided to Council. This document introduces the concept of amending the comprehensive plan, however the plan does not specifically address public participation strategies for amendments to the plan. This proposal is designed to incorporate the participation methods as outlined in 2019 for updates, but also clearly define public participation methods for amendments to the adopted plan or adopted land use map.

Motion by Ald. Bailey, seconded by Ald. Vukovic, to approve the referral to the Plan Commission for recommendation to adopt a Plan Commission resolution. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

VII. File No.

Discussion and Consideration of an Amendment to the Comprehensive Master Plan 2040: “Glendale Planning a Bright and Sustainable Future for the Hub of the North Shore” from a land use classification of Industrial to a land use classification of Planned Mixed Use, for Meta House, at 4160 N Port Washington Road, 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 requesting a land use change to Map 5 on Page 52 of the comprehensive plan to Planned Mixed Use. The applicant is concurrently requesting to rezone to PD - Planned Development. The land use plan must be updated prior to any final rezoning action.

Motion by Ald. Daugherty, seconded by Ald. Vukovic, to approve the request for the Plan Commission to move forward with public participation and provision of a recommendation on the proposed amendment. 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 Map Amendment for Sprecher Property III, LLC at 727 W. Glendale Avenue, in the Planned Mixed Use Land Use Classification, B-1 “P” Business and Commercial District to a M-1 Warehouse, Light Manufacturing, Office and Service District, 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. The Planned Mixed Use land use classification is intended to facilitate a carefully controlled mix of commercial and residential uses on public sewer, public water, and other urban services and infrastructure. Planned Mixed Use areas are intended as vibrant urban places that should function as community gather spots. The category advises a carefully designed blend of planned commercial, light industrial, mixed residential, parks and open space, and community facilities land uses. The Comprehensive Plan recommends that a Planned Development District be used to implement this type of mixed use. A more complicated process is to zone various areas of a Planned Mixed Land Use Classification into more traditional zoning districts such as residential, commercial, or industrial.

Motion by Ald. Vukovic, seconded by Ald. Gelhard, to approve the request for review of the proposed map changes by the Plan Commission Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

X. File No.

Discussion and Consideration of 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 N. Sunny Point Road, 6411, 6435, 6459, 6477, 6515, 6521, 6573, 6583, 6593, 6595, and 6599 N. Sunny Point Lane, Single Family and Environmental Corridor land use classifications, Tax Key Numbers 162-0067-001, 134-0018-001, 134-0017-001, 134-0014-003, 134-0013-001, 134-0001-000, 134-0021-001, 134-0008-000, 134-0007-000, 134-0006-000, 134-0003-000, and 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.

Motion by Ald. Bailey, seconded by Ald. Shaw, to approve the request for review of the proposed map changes by the Plan Commission Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

XI. File No. \_\_\_\_\_

Approval of Distribution Easement for Underground Electric and Communications on the North Shore Water Commission's Grounds

Administrator Warwick stated the North Shore Water Commission (NSWC) received the attached paperwork from WE Energies, SPECTRUM MID-AMERICA, LLC and WISCONSIN BELL, INC. are requesting an easement on NSWC property. The purpose of this easement is to construct, install, operate, maintain, repair, replace and extend underground utility facilities. Trees, bushes, branches and roots may be trimmed or removed so as not to interfere with WE Energies, SPECTRUM MID-AMERICA, LLC and WISCONSIN BELL, INC. Eric Kiefer, NSWC Plant Manager, discussed the matter with the Commission's attorney. There were no concerns raised and the recommendation was for each member community to take this up at their next Village Board/City Council meeting and consider approving/executing this document. As per the recommendation of NSWC's attorney, Mr. Kiefer copied the signature sheet and crossed out several fields so that each sheet could be completed by each municipality. Mr. Kiefer negotiated with WE Energies to receive a payment for the easement. He was told that WE Energies will pay a total of \$600 for the easement. Their intention is to pay \$200 to each member after each governing body signs and notarizes their signature page. Mr. Kiefer accepted this proposal, as advised by Attorney Fuchs. The NSWC is asking that each of the three member communities approve the Distribution Easement. The Villages of Whitefish Bay and Fox Point will be placing this item on their respective Board's agendas.

Motion by Ald. Gelhard, seconded by Ald. Daugherty, to approve the Distribution Easement for Underground Electric and Communications on the North Shore Water Commission's Grounds. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

XII. File No. \_\_\_\_\_

Amendments to the North Shore Court Agreement

Judge Christopher Lipscomb stated he objects to the wording of 5(a) and requests the language be amended to state "The selection of the Clerk of the Municipal Court shall be by the Administrative Committee. The Clerk must be appointed by the Judge pursuant to Wis. Stats. 755.10.

Mayor Kennedy stated the City of Glendale has been operating our court system under an intergovernmental agreement with the Villages of Bayside and Brown Deer for joint North Shore Court Services. The City of Glendale is the fiscal agent for the Court and houses the Court operations at the City Hall. While Brown Deer is a member of the North Shore Court, they do not participate financially in the operations of the Court; they simply pay of fee for the services. The members of the Court have reviewed the agreement and are recommending several

modifications based on current practice and the need for additional clarification on an item. The recommended modifications include.

1. Adding subsection 5 (b) Prosecutor. This section would provide terms to allow the parties to share in the cost of a municipal prosecutor. Currently, Glendale and Brown Deer share the cost for prosecution services, however the agreement did not include terms for this. The modified agreement would allow the Administrators of each municipality to enter into an agreement for this shared service.
2. Adding subsection 5 (f) Unanticipated Court Personnel Expenses. The agreement did not include language on providing compensation if a Court Clerk is unavailable for Court. The modified agreement states that if a member of the North Shore Court provides personnel more than two times in a calendar year, the Court receiving assistance shall provide compensation for those services. Assistance has been provided in the past without direction on whether or not to compensate the other municipalities or individual for assistance.
3. Modifying section 6 Forfeitures, Fees, Penalty Assessments and Costs. The agreement states that if revenues exceed expenditures, a distribution of funds shall occur at the end of the calendar year. The agreement was silent on how the funds would be distributed. The proposed agreement would distribute the surplus funds to Glendale and Bayside (currently) by the percentage of citations received per municipality in a calendar year.

Motion by Ald. Daugherty, seconded by Ald. Gelhard, to approve authorization by Mayor Kennedy to execute the North Shore Court Agreement with the Village of Bayside and Brown Deer, as amended. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

XIII. File No.

Resolution Designating the Three (3) Polling Locations in the City of Glendale

Administrator Warwick stated following the November 8, 2022, General Election, staff learned that the current polling place for District 1 and District 3, Nicolet Union High School, would not be available as a polling place in 2023 and 2024. The school is currently undergoing a significant amount of interior and exterior renovations and will not be available to host elections for at least the next two years. As a result, staff began the process of reviewing potential new polling places for District 1 and District 3. Staff is making a recommendation based on the requirements that will allow for assuring elections are appropriately conducted in accordance with the law and will not impair the voting rights of any person or unduly burden those involved in counting votes. Staff reviewed a number of potential polling locations and feel that the Bavarian Bierhaus provides the best polling location while Nicolet is under construction and unavailable as a polling location.

The following locations are the recommended polling places, with only a change to District 1 and District 3:

District 1 and District 3 – The Bavarian Bierhaus

District 2 and District 6 – City Hall

District 4 and District 5 – Good Hope School

Motion by Ald. Gelhard, seconded by Ald. Daugherty, to approve the Resolution Designating the Three (3) Polling Locations in the City of Glendale. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

XIV. File No.

Liquor Code Amendment Regarding Restaurants

Administrator Warwick stated the ordinances were previously written to prohibit the issuance of a “Class B” (liquor) to retail establishments that are not defined as a “Restaurant” as defined by State Law. The City Council recently approved an ordinance to allow up to three “Intoxicating Liquor License” be issued to establishments not defined as a “Restaurant” per the Wisconsin State Code, but not more than one per aldermanic district. State Law does not restrict that “Class B” (liquor) be issued to restaurants but does limit the number of these that can be issued.

Glendale is permitted to issue up to 25 “Class B” (liquor). The City has issued 11, leaving 14 available. Glendale is also allowed to issue “Reserve” licenses in the event all Class B licenses are issued. The City has never issued a “Reserve” license. The City can also purchase additional licenses from communities that border Glendale and have not issued their maximum number of liquor licenses. There are communities surrounding Glendale that have not issued all their liquor licenses, so more could be available here. In summary, there are a significant amount of “Intoxicating Liquor Licenses” available.

Per Wisconsin State Code, a “Class C” (wine) license can only be issued to a qualified person for a restaurant where alcoholic beverages account for less than 50% of revenue. This Statute did not permit the City from issuing a “Class C” (wine) license to the paint and sip business in Bayshore. With the business climate changing, more businesses are operating entertainment venues without a restaurant. The City’s limitation on the issuance of “Class B” (liquor) would leave these businesses without the opportunity to have a full liquor license, which is a strong desire of these businesses. Without the availability of a full liquor license, these businesses would most likely look at other locations outside of Glendale for an “Intoxicating Liquor Licenses”. Examples of these include movie theaters, bowling alleys, art studios, arcades, and social recreational sports, such as ax throwing, whirly ball, and cornhole. State Law requires that person who enter a “bar” be 21 years of age or be accompanied by a parent. However, State statute allows for certain types of venues, like bowling alleys, movie theaters, and painting studios, to mix of age and underage patrons in the same space. Bowling alley where group of kids are bowling next to the group of adults ordering pitchers of beer is permitted under State Statute, just like kids would be permitted to paint next to a group of adults consuming wine. This is Wis. Stat. Sec. 125.32(3m).

Glendale resident Robert Cronwell, 7530 N. Applewood Lane, stated there is a misprint in Section 1, indicating Section 7.2.4(b), “Retail “Class B” Fermented Malt Beverage” is repealed...” and should actually stated “Intoxicating Liquor License”. Additionally, while this fixes all the issues Mr. Cronwell brought forth before and clears the way for establishments to exist in Glendale and sell liquor, the previous ordinance meant there could not be bars in Glendale and this opens the door for those to be open here, as there is no longer going to be a restaurant restriction.

Attorney Bayer recommended striking the first line of Section 1, and changing it to read “City of Glendale Code Section 7.2.4(b) “Retail “Class B” Intoxicating Liquor License” is repealed and replaced as follows: Retail “Class B” Intoxicating Liquor License...”

Motion by Ald. Gelhard, seconded by Ald. Schmelzling, to approve the Ordinance Allowing for Expanded Issuance of Class “B” Fermented Malt Beverage Licenses and “Class B” Intoxicating Liquor Licenses to Establishments that do not Operate a Restaurant, and Expanding Exceptions to Limitations on “Other Businesses” on Class “B” Premises, as amended. 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.

ADJOURNMENT.

There being no further business, motion was made by Ald. Shaw, seconded by Ald. Vukovic, 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 8:39 p.m., until Monday, November 28, 2022, at 6:00 p.m.

Megan Humitz  
City Clerk