

CITY OF GLENDALE COMMON COUNCIL

Meeting Minutes

May 22, 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; Charlie Imig, Director of Public Works; Mark Ferguson, Police Chief; 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, May 18, 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.

No public comment.

CONSENT AGENDA.

I. File No. _____

Adoption of Minutes from Meeting held on May 8, 2023 and Approval of Monthly Reports.

Motion by Ald. Bailey, seconded by Ald. Daugherty, to Adopt Minutes from Meeting held on May 8, 2023 and Approval of Monthly Reports was approved. Ayes: Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

UNFINISHED BUSINESS.

II. File No. _____

Resolution – Establishing Procedures for Outstanding and Uncollectible Court Debt.

City Administrator Warwick stated the provided resolution regarding North Shore Court debt was revised based on the previous discussions by the City Council.

Motion by Ald. Daugherty, seconded by Ald. Gelhard, to approve the Resolution adopting procedures for outstanding and uncollectible debt of the North Shore Court was approved. Ayes: Ald. Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Abstain: Ald. Vukovic. Absent: None. Motion carried unanimously.

NEW BUSINESS.

III. File No. _____

Discussion regarding participation in Milwaukee’s Juneteenth Parade.

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.

This item was for discussion purposes only. No action was taken.

III. File No. _____
2022 Annual Report.

City Administrator Warwick stated 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.

Motion by Ald. Vukovic, seconded by Ald. Schmelzling, to place the 2022 Annual Report on file was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

IV. File No. _____

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

City Administrator Warwick stated the provided Proclamation recognizes and thanks Judge Christopher Lipscomb for his 25 Years of exceptional service to the City of Glendale.

Motion by Ald. Shaw, seconded by Ald. Gelhard, to approve the Proclamation Recognizing Judge Christopher Lipscomb for his 25 Years of Service to 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. _____

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.

Clerk Humitz stated 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. 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.

Motion by Ald. Shaw, seconded by Ald. Daugherty, 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 was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

VI. File No. _____

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.

Chief Ferguson stated amending Section 10.4.2, Speed Limits and Section 10.4.4 (c)(2), Unauthorized operation of motor vehicles on public and private property, will 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.

Motion by Ald. Gelhard, seconded by Ald. Shaw, to approve the Ordinance amending the Code of General Ordinances of the City of Glendale 10.4.2 and 10.4.4 Pertaining to All-Terrain Vehicles and Off-Road Motor Vehicle Operation was approved. 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 ordinance creating Title 3, Chapter 7 "Professional Fees and Escrow," of the Code of General Ordinances of the City of Glendale.

John Fellows, Community Development Director, stated the 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.

Motion by Ald. Gelhard, seconded by Ald. Bailey, to approve Ordinance Creating Title 3, Chapter 7 “Professional Fees and Escrow,” 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.

VIII. File No.

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

Administrator Warwick stated 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.

Motion by Ald. Gelhard, seconded by Ald. Vukovic, to approve the Ordinance repealing the “Original Domicile Restriction” contained in Section 5.8.5, Adjusting the Residency Restriction Distances Contained in Section 5.8.3., and Amending Related Sections of Chapter 8 of Title 5, “Residency Restrictions for Sex Offenders and Directing Action for Injunctive Relief for Violation Thereof” 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.

IX. File No.

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.

John Fellows, Community Development Director, 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. 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. The Meta House legal department would like to review the PILOT Agreement further and has requested postponing all three items for review until a future meeting, so they are considered for approval at the same time. Staff recommends postponing the items until the June 12, 2023, meeting.

Motion by Ald. Shaw, seconded by Ald. Gelhard, to postpone consideration of the Specific Development Plan subject to addressing the comments from Public Works and Engineering 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 to the June 12, 2023, meeting was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

X. File No.

Consideration and approval 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.

John Fellows, Community Development Director, stated 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. 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. The Meta House legal department would like to review the PILOT Agreement further and has requested postponing all three items for review until a future meeting, so they are considered for approval at the same time. Staff recommends postponing the items until the June 12, 2023, meeting.

Motion by Ald. Shaw, seconded by Ald. Gelhard, to postpone consideration of the Development Agreement in conjunction with a fee in lieu agreement for a Planned Development District for Meta House, 4160 N. Port Washington Road, PD Planned Development District, Planned Mixed Land Use Classification, Tax Key Number 242-1198-004 and 242-1198-003 to the June 12, 2023, meeting was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

XI. File No.

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 Number 242-1198-004 and 242-1198-003.

John Fellows, Community Development Director, stated 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. 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. The Meta House legal department would like to review the PILOT Agreement further and has requested postponing all three items for review until a future meeting, so they are considered for approval at the same time. Staff recommends postponing the items until the June 12, 2023, meeting.

Motion by Ald. Shaw, seconded by Ald. Gelhard, to postpone the Agreement for a Tax-Exempt Payment in Lieu of Taxes (PILOT) between Meta house, LLC and the City of Glendale, WI 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 to the June 12, 2023, meeting 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. Gelhard, seconded by Ald. Shaw, to convene in Closed Session per Wis. Stats.

§19.85(1)(c) to consider the employment, promotion, compensation, or performance evaluation data of public employees over which the Council has jurisdiction or exercises responsibility (Performance Evaluation of City Administrator). Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried.

A closed session of approximately 74 minutes was held. The Council discussed Performance Evaluation Data of the City Administrator.

Motion by Ald. Daugherty, seconded by Ald. Shaw, 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.

No action was taken on closed session items.

ADJOURNMENT.

There being no further business, a motion was made by Ald. Bailey, seconded by Ald. Shaw, to adjourn the meeting. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried. Motion carried and adjournment of the Common Council was ordered at 8:00 p.m., until Monday, June 12, 2022, at 6:00 p.m.

Megan Humitz
City Clerk