

# CITY OF GLENDALE COMMON COUNCIL

## Meeting Minutes

June 13, 2022

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 6:03 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, Director of Community Development; 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, June 9, 2022, 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 of Meeting held on May 23, 2022, Approval of Accounts Payable, Payment 1 to Mid- City Corporation for work completed on the 2021 Hampton Avenue Off Ramp – Hydrant & Sanitary Manhole Relocation, Payment 2 to Visu Sewer, Inc. for work completed on the 2022 Glendale Sewer Lining & Manhole Rehabilitation Project, and Compliance Maintenance Annual Report and Glendale Resolution authorizing the filing of the Compliance Maintenance Annual Report with the Wisconsin Department of Natural Resources.

Mayor Kennedy stated item 3F will be removed from the Consent Agenda and placed as New Business after the final item on the agenda.

Motion by Ald. Shaw, seconded by Ald. Schmelzling, to adopt the Minutes of Meeting held on May 23, 2022, Approval of Accounts Payable, Payment 1 to Mid- City Corporation for work completed on the 2021 Hampton Avenue Off Ramp – Hydrant & Sanitary Manhole Relocation, Payment 2 to Visu Sewer, Inc. for work completed on the 2022 Glendale Sewer Lining & Manhole Rehabilitation Project, and Compliance Maintenance Annual Report and Glendale Resolution authorizing the filing of the

Compliance Maintenance Annual Report with the Wisconsin Department of Natural Resources. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

NEW BUSINESS.

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

Review: No Mow May.

Mayor Kennedy stated he received numerous positive comments, and only a handful of negative comments related to No Mow May. Among all the alderpersons, there were a small number of complaints, and some positive feedback. Overall, the complaints were regarding the inconsistency of what residents were doing for No Mow May and a lack of direction on how to participate, as well as concern over the mitigation of unkempt lawns. Ald. Bailey added there was concern over how the City may look if the medians are left un-mowed and untrimmed to someone passing through, who is unaware of the initiative. While several neighboring communities participated in No Mow May, there was a determination that if Glendale participates in 2023 it needs to be communicated and discussed with residents in advance. There was discussion of yard signs as a show of community participation.

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

III. File No. \_\_\_\_\_

Review: North Shore Library Capital Improvement Costs.

Mayor Kennedy stated Bayside Village President Eido Walny will present at next Council meeting regarding the financial standing of the North Shore Library fundraising process. There is discussion of structured giving agreements from several large donors, which will be discussed further at the June 27<sup>th</sup> Council meeting.

Ald. Daugherty requested a spreadsheet showing where the financial commitments are coming from, to see where things will add up.

Ald. Gelhard requested amending the agreement to make the language clearer that all North Shore communities will not be contributing funds to the capital construction of the library.

Ald. Schmelzling stated he would like to see the preliminary budget to complete construction and a concept more than the directional vision of the library, as well as information on who is bonding for the library contributions.

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

IV. File No. \_\_\_\_\_

Review and Approval: 2023-2027 Capital Improvement Program.

City Administrator Warwick stated a Council was provided with a copy of the planned Capital Improvement Program (CIP) for the years 2023 through 2027, with several modifications from the previously presented CIP. It was requested that Council review the projects, particularly for the year 2023, in order that the final approval can be made and included in the projections for the 2023

Annual Program Budget. The CIP was presented to the City Council previously at several meetings and staff is asking the City Council to review the plan that includes several modifications from the previously presented one, including:

- *Replacement of \$180,000 for seven speed tables and a roundabout at Range Line and Green Tree in 2023 with fund for Traffic Calming annually.*

The Plan includes \$100,000 in 2023, and 2024 and \$20,000 in all remaining years for Traffic Calming. With this expense, various traffic calming measures could be installed in various locations throughout the City.

- *Addition of \$800,000 in 2023 and 2024 for rehabilitating Silver Spring Resurfacing (Local Share - \$1.6 million).*

Funds assume \$6.4 million in grant funding to resurface Silver Spring Drive from the Milwaukee River to 27<sup>th</sup> Street. \$1.6 million represents the 20% local share for the City's portion of the grant to rehabilitate Silver Spring Drive.

Motion by Ald. Daugherty, seconded by Ald. Bailey to approve the 2023-2027 Capital Improvement Program. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None.

V. File No. \_\_\_\_\_

Review and Approval: Milwaukee Audubon Society's Request for Open Burn Permit to Maintain the Indian Prairie at the Corner of Civic Drive and North Milwaukee River Parkway.

City Administrator Warwick stated Milwaukee Audubon Society is requesting Common Council approval for an Open Burn Permit to maintain the Indian Prairie at the southwest corner of Civic Drive and North Milwaukee River Parkway. The property is owned by the City of Glendale. The date of the open burn has not been determined yet. The North Shore Fire/Rescue will approve the permit, contingent upon the Common Council's approval.

Motion by Ald. Schmelzling, seconded by Ald. Gelhard, to approve the Open Burn Permit at the corner of Civic Drive and North Milwaukee River Parkway for the purpose of maintaining a prairie. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None.

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

Review and Approval: Request to approve waiver of limitation on number of dogs and cats – Lisa Hirschman, 2520 W Michael Drive.

Mayor Kennedy stated the City ordinance 7.1.22 provides a limitation of dogs and cats at a residential home. Ms. Lisa Hirschman, 2520 W Michael Drive, is requesting an exception to the ordinance to allow for a total of 2 dogs and 2 cats. The police department has indicated that there have not been any animal complaints from this property in the past 12 months. Staff recommend that a waiver be approved with the conditions there continues to be no animal complaints from neighbors.

Motion by Ald. Schmelzling, seconded by Ald. Vukovic, to approve the requested waiver to have a total of 2 dogs and 2 cats to Lisa Hirschman at 2520 W Michael Drive, to be contingent on the continuation of no animal complaints from the neighbors. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None.

Abstain: None.

VII. File No.

Review and Approval: First Amendment and Restated Development Agreement for Bayshore Town Center amendment.

Mayor Kennedy stated in 2002, Tax Incremental District (TID) No. 8 was created for the development project commonly known as Bayshore. Following an economic downturn and abandonment of the property in 2017 by the owner/developer, the developer's lender took title of the property in lieu of foreclosure. The City, the Community Development Authority and Bayshore entered into an Amended and Restated Development Agreement effective as of August 1, 2019, pursuant to which Bayshore's owner/developer agreed to release \$58.6 million in bonds previously issued by the City and CDA in consideration of the City and CDA's agreement to, among other things, pay all available tax increment from TID No. 8 to the owner/developer. Subsequently, an amendment to TID No. 8 project plan was approved which recognized, as eligible TID expenditures, the payoff of all Glendale outstanding debt associated with the TID - \$41.7 million. The amendment also extended the life of TID No. 8 to August 26, 2033, and added additional property to TID No. 8 (formerly portions of soon-to-be closed TID No. 6). On March 28, 2022, the Community Development Authority approve an extension to TID #8 and the Joint Review Board Acted upon this extension with an approval on April 20, 2022.

The extension of the life of TID #8 was for a three-year period beyond what was specified in the Development Agreement from August 1, 2019. There are two types of requests contained within this amendment.

- Items 1., 2., 4., all modify dates from 2033 to 2036 to allow the development agreement dates to match those within the recently approve and modified TID Plan.
- Items 5 and 6 provides for language noting no other amendments and addressing counterparts of the documents.

The CDA reviewed this documentation on May 23, 2022, and recommended approval.

Motion by Ald. Gelhard, seconded by Ald. Daugherty, to approve first amendment and restated development agreement for Bayshore Town Center. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None.

VIII. File No.

Review and Approval: Application for Architectural Changes for General Capital/Glendale Market Place for landscape modifications in the PD Planned Development District at 6969 N Port Washington Road, Tax Key Number 1288-961-003.

John Fellows, Director of Community Development, stated on June 7, 2022, the Plan Commission determined that the modifications were not substantial. The Plan Commission recommended to City Council approval of the landscaping changes. General Capital / Glendale Market Place have submitted plans for the redesign of their landscaping area between North Port Washington and the parking area. Their proposal is to replace the arborvitae with Karl Foerster grasses plus four Ann Magnolia trees that will bookend the grasses. The Karl Foerster grasses have a clumped root system that are good in water retention efforts and will stand approximately four to five feet. The Ann Magnolia is a medium growing broad tree that will stand about ten feet

in height and width at maturity with low limb branches placed between the brick pillars at each end. This will provide buffering of vehicles in the parking lot, but greatly improve visibility for tenant signage and storefronts as well as improve visibility for public safety. The plans also include some more minor details to update and cleanup the north planting bed. This property is located within a PD district. Changes to an approved plan require the planning commission to determine if the change is substantial or not substantial. If the determination is not substantial, then upon a recommendation from the Commission the City Council would then action upon the change. Substantial changes as determined by the Plan Commission would require modifications to the general and specific development plans, two public hearings and an amendment to the Development Agreement. Staff recommends to the planning commission that this modification is not substantial.

Plan Commission and staff recommend City Council approve landscaping upgrades for General Capital / Glendale Market Place 6969 N Port Washington Road with the following requirements:

- 1) Right of Way Permits will be required and a plan for traffic and pedestrian circulation during construction will need to be provided in conjunction with other applicable permits, since the work will be occurring adjacent to the property line and driveway entrances.
- 2) Business hours to comply with Glendale Code 7.15.4 and 7.2.15 as applicable.
- 3) Dumpsters for trash and recycling shall be screened and be in compliance with Section 13.1.144, at the time of occupancy.
- 4) All City of Glendale building, fire, and health codes being carried out to the satisfaction of the Building Inspector, the North Shore Fire Department, and the North Shore Health Department, and;
- 5) Compliance with State of Wisconsin requirements for ADA parking.

Motion by Ald. Gelhard, seconded by Ald. Bailey, to approve landscaping upgrades for General Capital/General Market Place 6969 N Port Washington Road, with the noted requirements. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None.

IX. File No. \_\_\_\_\_

Review and Approval: Application for site modification for We Energies/ WEC Energy Group, for a fence and landscaping modifications in the PD Planned Development zoning district at 5400 North Green Bay Ave, Tax Key Number 195-9004-000

John Fellows, Director of Community Development, stated on June 7, 2022, the Plan Commission determined that the modifications were not substantial. The Plan Commission recommended to City Council approval of the landscaping changes. We Energies is seeking approval to modify the site plan for the Planned Development District approval at 5400 N Green Bay Ave. The facility services until as a natural gas and electrical power services center. There is currently a fenced yard for operations. A parking lot for visitors and employees is located on the west side of the building facing Green Bay Avenue. Over the last number of years there have been increased issues with theft from vehicles, homeless sleeping near the building, and individuals wondering on foot through the parking area. We Energies is seeking to put in a fence and landscaping to improve the safety of those working at and visiting the facility as well as using the construction process to provide additional plantings. The parking area is divided between the City of Milwaukee and City of Glendale. The applicant is planning a black ornamental fence to

surround the parking area. They are providing a series of trees and plantings all of which will be located in the city of Milwaukee.

This property is located within a PD district. Changes to an approved plan require the planning commission to determine if the change is substantial or not substantial. If the determination is not substantial, then upon a recommendation from the Commission the City Council would then action upon the change. Substantial changes as determined by the Plan Commission would require modifications to the general and specific development plans, two public hearings and an amendment to the Development Agreement. Staff recommends to the planning commission that this modification is not substantial.

The Plan Commission and staff recommend City Council grant approval for site modification for We Energies/ WEC Energy Group, for a fence and landscaping in the PD Planned Development zoning district at 5400 North Green Bay Ave, with the following requirements:

- 6) Ongoing coordination of access to all gates on the property shall occur between the applicant and Northshore Fire and Rescue and Cit of Glendale Police.
- 7) Ongoing coordination with the City of Glendale Police for coordination of opportunities to reduce crime in the area.
- 8) Dumpsters for trash and recycling shall be screened and be in compliance with Section 13.1.144, at the time of occupancy.
- 9) All City of Glendale building, fire, and health codes being carried out to the satisfaction of the Building Inspector, the North Shore Fire Department, and the North Shore Health Department, and;
- 10) Compliance with State of Wisconsin requirements for ADA parking.

Motion by Ald. Daugherty, seconded by Ald. Schmelzling, to approve the modifications to the site plan for a fence and landscaping for We Energies/ WEC Energy Group, 5400 North Green Bay Ave, with the noted 5 requirements. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None.

X. File No.

Recommendation from Legislative & Judiciary Committee to Consider the Application for “Class B” Liquor and Class “B” Beer license authorizing the retail sale and consumption on the premises, filed by Three Flags Bayshore, LLC for Flip Flop Tiki Bar, located at 5715 N. Bayshore Drive, Glendale, WI 53217.

Ald. Daugherty stated the State of Wisconsin requires any business selling alcohol to have an Alcohol Beverage License. Three Flags Bayshore LLC for Flip Flop Tiki Bar is requesting a Class “B” liquor and Class “B” beer license, for beer and liquor to be sold for on-premises consumption only. The License requires an agent be named to be responsible for all sales. Three Flags Bayshore, LLC for Flip Flop Tiki Bar, located at 5715 N. Bayshore Drive has requested a license and the named agent is M. Eitel. They were previously issued a provisional Class “B” liquor license for the sale of beer and wine. The licenses being considered would allow for the sale of alcoholic liquor for on-site consumption only. This would permit the sale of liquor, at this establishment, without full restaurant service. The operator will be providing for the sale of pre-packaged food service. With this liquor license, State Law requires controlled entry into the patio area, where the drinks would be required to remain. They would also be permitted to apply for a temporary extension of the “drinking area” for events that they find it advantageous to control

entry for and extend the drinking area. This could include the entire “yard”. All background checks have been concluded by the City of Glendale Police Department.

Motion by Ald. Schmelzling, seconded by Ald. Gelhard, to approve the Class “B” liquor and Class “B” beer Beverage Retail License authorizing the retail sale consumption on the premises, filed for Three Flags Bayshore LLC for the Flip Flop Tiki Bar located at 5715 N. Bayshore Drive, Glendale, WI 53217, contingent upon abatement of issues from NSFD. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: Ald. Shaw. Absent: None. Abstain: Ald. Vukovic.

XI. File No.

Appointment: Member to North Shore Fire Rescue Board of Directors and North Shore Water Commission.

Mayor Kennedy stated with the departure of Interim City Administrator Darrell Hofland, two appointed positions as an Alternate became vacant. These positions are the North Shore Fire Rescue Board of Directors (NSFR-BD) and North Shore Water Commission (NSWC). As background on the NSFR-BD, it consists of seven appointed Board Members and seven appointed Alternates with equal representations from the seven member communities. As background on the NSWC, it consists of three appointed Commissioners and three appointed Alternates with equal representations from the three member communities.

Motion by Ald. Bailey, seconded by Ald. Shaw, to approve the confirmation of the appointments as presented. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None.

XII. File No.

Resolution: Review and Approve, Declaring the month of June 2022 as LGBTQ+ Pride Month in the City of Glendale.

Ald. Bailey stated the resolution is to acknowledge and celebrate the contributions of members of the LGBTQ+ community and this resolution calls upon the people of the City of Glendale to observe June as Pride Month and actively promote a welcoming and inclusive community where all people can be their full, authentic selves.

Motion by Ald. Gelhard, seconded by Ald. Schmelzling, to approve the resolution designating the month of June as “LGBTQ+ Pride Month” in Glendale. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None.

XIII. File No.

Ordinance: Review and Approve, Repealing portions of Title 10 – Motor Vehicles and Traffic, of the Glendale Code of Ordinances affecting Bayshore Town Center.

Prior to 2019, the streets in Bayshore (formerly Bayshore Town Center) were public streets and required traffic control signs to be listed in the ordinances for enforcement purposes. In 2019, the City turned ownership of the streets over to Bayshore. All streets are now private and traffic violations are no longer enforceable except for certain offenses. Ordinance references to traffic control signs at Bayshore are no longer required. Staff recommend the Common

Council approve an ordinance to repeal the following portions of Title 10 – Motor Vehicles and Traffic that correspond to private roads at Bayshore: 10.1.59 (C) (1) (d) – In-Line Skating and Play Vehicles / Regional Town Center Streets; Schedule D – Vehicles Required to Stop (Part of Section 10.1.14) lines 70-77, 93, 105; and Schedule R – Speed Limits on Streets in the Bayshore Town Center (Part of Section 10.1.22).

Motion by Ald. Gelhard, seconded by Ald. Daugherty, to approve an ordinance to repeal the following portions of Title 10 – Motor Vehicles and Traffic that correspond to private roads at Bayshore: 10.1.59 (C) (1) (d) – In-Line Skating and Play Vehicles / Regional Town Center Streets; Schedule D - Vehicles Required to Stop (Part of Section 10.1.14) lines 70-77, 93, 105; and Schedule R – Speed Limits on Streets in the Bayshore Town Center (Part of Section 10.1.22). Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None.

IV. File No.  
Out-of-State Travel Request – Tomika Vukovic

City Administrator Warwick stated out-of-state travel for staff and Alderpersons on City time or with City funding is approved by the Council. Ald. Tomika Vukovic is requesting to attend the National League of City Convention in Kansas City, MO. There is sufficient funding in the Mayor/Council Allowances budget for 2022.

Ald. Shaw questioned where the funding for this item will come from, as there is typically a \$600 per Council member budget. Administrator Warwick stated if all Council members exhausted their budgets, there is an additional \$4,000 in his budget for training expenses which could be utilized to cover the expense.

Ald. Schmelzling questioned if the line-item funds were only to be used for travel expenses or conferences, or if they can be used for other items. Ald. Shaw clarified they can be used for other items as well including mailings for constituents.

Ald. Gelhard, Ald. Shaw, and Ald. Schmelzling indicated they did not object to Ald. Vukovic’s participation in the conference, however they do not want to jeopardize funds for other members. Mayor Kennedy recommended to Staff to include a line-item going forward specifically for participation in the NLCC on an annual basis.

Motion by Ald. Shaw, seconded by Ald. Daugherty, to approve authorization for Alderperson Tomika Vukovic to attend the National League of Cities Convention, at a cost not to exceed \$2,000. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None.

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 Administrator update.

ADJOURNMENT.

There being no further business, motion was made by Ald. Gelhard, 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 and adjournment of the Common Council was ordered at 6:48 p.m., until Monday, June 27, 2022, at 6:00 p.m.

Megan Humitz  
City Clerk