

CITY OF GLENDALE COMMON COUNCIL

Meeting Minutes

July 10, 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; Mustafa Emir, City Engineer; 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, July 6, 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 HEARING – REGARDING AN ORDINANCE AMENDING AND RE-NAMING TITLE 13 ARTICLE K “ACCESSORY USES AND STRUCTURES; FENCES AND HEDGES; PORTABLE STORAGE STRUCTURES AND DONATION DROP-OFF BOXES,” AND AMENDING SECTION 13.1.142, “FENCES AND HEDGES” OF TITLE 13, “ZONING,” AND AMENDING TITLE 8 “HUMAN HEALTH HAZARD/PUBLIC NUISANCE,” SECTION 8.1.9(D)(13) OF THE CODE OF GENERAL ORDINANCES OF THE CITY OF GLENDALE.

Mayor Kennedy stated City Staff have been reviewing various ordinances and processes and during these reviews staff has made various recommendations to the City Code to provide efficiencies, provide clarification or simply to modify an ordinance to make it consistent with current practice. Staff has reviewed the section of the ordinance related to fences and other accessory structures and is recommending the modifications as previously presented to the City Council and as presented to the Planning and Architectural Review Board (PARC). Title 13, Article K relates to fences, walls, hedges, and windscreens. These structures reflect the community aesthetic and have the potential to affect the ambience and desirability of the community positively or negatively, and therefore the property values of the City of Glendale. City staff have worked to reorganize the Ordinance to make it more user friendly and readable for most citizens, developers, and other interested parties. On April 11, 2023, the PARC moved to schedule an optional public hearing prior to issuing a recommendation to the Common Council. The Commission further asked staff to revise the Draft Ordinance to strike the first preambular clause and add a proof of notice requirement akin to the current Ordinance permitting the keeping of chickens. Staff revised the draft accordingly. On June 6, 2023, The PARC held a public hearing and recommended Common Council adopt the ordinance as drafted.

Mayor Kennedy opened the public hearing. Mayor Kennedy called three times for anyone on the Zoom call or in the Council chambers that wished to speak for public comment. Hearing no public comment, Ald. Gelhard made the motion to close the public hearing, seconded by Ald. Schmelzling. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

Motion by Ald. Gelhard, seconded by Ald. Schmelzling, to approve the Ordinance amending and re-naming Title 13 Article K “Accessory Boxes,” and amending Section 13.1.142, “Fences and Hedges” of Title 13, “Zoning,” and amending Title 8 “Human Health Hazard/Public Nuisance,” Section 8.1.9(d)(13) of the Code of General Ordinances of the City of Glendale was approved. Ayes: Ald. Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic. Abstain: None. Motion carried.

PUBLIC HEARING AND RECOMMENDATION FOR A MAP AMENDMENT AND GENERAL DEVELOPMENT PLAN FOR AH+S Realty, LLC/OLIVIA INC. (DOING BUSINESS AS CASA DE CORAZON) FOR A PROPOSED DAYCARE AND PRESCHOOL AT 4600 N. PORT WASHINGTON RD., IN THE PLANNED UNIT DEVELOPMENT (PD) ZONING CLASSIFICATION, PLANNED MIXED USE LAND USE CLASSIFICATION, TAX KEY NUMBER 234-8003-000.

Mayor Kennedy stated AH&S Realty, LLC (“Owner”) is or will soon be under contract to sell the Property to Olivia Inc., a Wisconsin closely held corporation (doing business as Casa de Corazón). Accordingly, the intended user is Olivia Inc. (doing business as Casa de Corazón) (“User”). Casa de Corazón intends to operate the property as a daycare and preschool that serves 188 children per day. It will be a Spanish immersion center (the “Center”) operating under the Casa de Corazón franchise. The Center will have 14 classrooms ranging in age from 6 weeks until children begin traditional five-year-old kindergarten. It will employ three center directors, two administrative assistants, a facilities manager, a kitchen manager, three cooks, 28 teachers, seven substitute staff, and other officers and employees of the User for a total of 50 full-time positions created. These positions will predominantly be filled by native Spanish-speaking women, many of whom, historically, are single mothers. The Casa de Corazón prides itself on being socially responsible and environmentally friendly, this site is to be solar-powered, and manage its runoff water through a project with the MMSD in the parking lot. The User will also create more green space onsite as the User intends to construct a large grass and mulch playground with multiple age-appropriate structures. Casa de Corazón will also create a garden on-site to incorporate food production into the Center’s curriculum. Additionally, the User will convert the old guardhouse onsite into a chicken coop where the User will raise pasture-raised organic chickens for egg production to feed the children on site as part of our commitment to local and ethical practices. Lastly, the User intends to build a small vehicle garage in the northeast corner to house the Center’s buses and vans when the vehicles are not in use. Finally, Casa de Corazón plans to house its corporate office in a small section of the existing building on the property. As noted above the current owners AH&S reality are planning to sell the property to Olivia Inc./Casa de Corazón. If for some reason the sale were not to proceed, the current owner would like to have the PD District reflect potential other uses. The Planning and Architectural Review Commission recommend Common Council approval of the general development plan as submitted subject to staff comments. Staff recommended the Common Council hold a public hearing.

Mayor Kennedy opened the public hearing. Mayor Kennedy called three times for anyone on the Zoom call or in the Council chambers that wished to speak for public comment. Hearing no public comment, Ald. Daugherty made the motion to close the public hearing, seconded by Ald. Bailey. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

Motion by Ald. Vukovic, seconded by Ald. Bailey, to approve recommendation for a map amendment and general development plan for AH&S Realty, LLC/Olivia Inc. (doing business as Casa de Corazon) for a proposed daycare and preschool at 4600 N. Port Washington Rd., in the Planned Unit Development (PD) zoning classification, Planned Mixed Use land use classification, Tax Key Number 234-8003-000 was approved. Ayes: Ald. Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: Ald. Vukovic. Abstain: None. Motion carried.

PUBLIC COMMENT.

No public comment.

CONSENT AGENDA.

I. File No.

Adoption of Minutes of Meetings held on June 26, 2023 and Approval of Accounts Payable.

Motion by Ald. Vukovic, seconded by Ald. Daugherty, to Adopt the Minutes of Meeting held on June 26, 2023 and Approve Accounts Payable were approved. Ayes: Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried unanimously.

NEW BUSINESS.

II. File No.

Referral to the Planning and Architectural Review Commission for a zoning map amendment from R-7 Residence District to R-7A Residence District at 902 W Eula Court in the R-7 Residence District and Residential

Land Use Classification, Tax Key Number 233-1047-000.

John Fellows, Community Development Director, stated the applicant is requesting a zoning map amendment for 902 W. Eula Court from R-7 Residence District to R-7A Residence District. The original platting of the property was two narrow lots. In 1939, a structure was built on the two lots with the house straddling both lots. In 2020, the house was razed and has been vacant land ever since. The applicant is requesting the change of zoning to allow for two separate home structures to be built upon the one parcel and to be developed as condominiums. The current 80-foot lot is not typical of the pattern of development in the neighborhood. One single family home on this 80-foot lot would appear inconsistent with the rest of the streetscape. Staff recommends Common Council refer the item to the Planning and Architectural Review Commission for a recommendation.

Motion by Ald. Daugherty, seconded by Ald. Gelhard, to approve the Referral to the Planning and Architectural Review Commission for a zoning map amendment from R-7 Residence District to R-7A Residence District at 902 W Eula Court in the R-7 Residence District and Residential Land Use Classification, Tax Key Number 233-1047-000 for a recommendation to Council was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

III. File No. _____

Referral to the Planning and Architectural Review Commission for a zoning map amendment from B-1 “A-1” Local Business District to PD Planned Development District, for Phoenix JCR Glendale Industrial Investors LLC, at 5055 North Lydell Ave Residence District and the Mixed-Use Development Land Use Classification, Tax Key Number 203-8995-004.

John Fellows, Community Development Director, stated the applicant, Phoenix JCR Glendale Industrial Investors LLC, is seeking to rezone 5055 North Lydell Avenue from B-1 “A-1” to PD – Planned Development. The property owner has owned the building for several years and has unsuccessfully been able to attract uses to the site which are permitted under the B-1 “A-1” standards. The applicant seeks to redevelop the property with modifications to the site, buildings and uses and a PD – Planned Development District will provide them with the flexibility to allow the objectives of the City of Glendale’s Comprehensive Plan to be more fully implemented. In addition, a rezoning to PD will align with the Comprehensive Plan recommendations. The applicant is in discussions with various users for the site and is asking the City to begin the process to amend the zoning map to assure the potential users that their use would be permitted and this would also expedite the zoning map amendment and development plan process if an end user is interested in the site so that the approval process can be streamlined. Staff recommends Common Council refer the item to the Planning and Architectural Review Commission for a recommendation.

Motion by Ald. Vukovic, seconded by Ald. Bailey, to approve referral to the Planning and Architectural Review Commission for a zoning map amendment from B-1 “A-1” Local Business District to PD Planned Development District, for Phoenix JCR Glendale Industrial Investors LLC, at 5055 North Lydell Ave Residence District and the Mixed-Use Development Land Use Classification, Tax Key Number 203-8995-004 for a recommendation to Council was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

IV. File No. _____

Review and Approval of State/Municipal Maintenance Agreement (SMMA) for a State-Let Highway Project ID: 1228-12-71, I-43 North-South Freeway Corridor Project (Capitol Drive to 2100’ N of Hampton Avenue).

Administrator Warwick stated this State/Municipal Maintenance Agreement (SMMA) for a State-Let Highway Project ID: 1228-22-71, I-43 North-South Freeway Corridor Project (Capitol Drive to 2100’ N of Hampton Avenue) is a guarantee that Glendale shall, at its own cost and expense, maintain all portions within the specified limits of this agreement that lie within its jurisdiction for such maintenance through statutory requirements in a manner satisfactory to the State and shall make ample provisions for such maintenance. Upon completion of construction project, 1228-22-71 Glendale will assume all maintenance responsibilities. Under the Agreement, Glendale would be responsible for the maintenance of the underdeck lighting, perform snow and ice control operations, maintain the pedestrian walkways, and

signs installed by the State under the I-43 bridge at Glendale Avenue. Approval of the State/Municipal Maintenance Agreement (SMMA) is recommended.

Motion by Ald. Daugherty, seconded by Ald. Vukovic, to approve the State/Municipal Maintenance Agreement (SMMA) for a State-Let Highway Project ID: 1228-22-71, I-43 North-South Freeway Corridor Project (Capitol Drive to 2100' N of Hampton Avenue) as presented was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

V. File No. _____

Stop Signs at Intersection of West Clovernook Lane and North Bittersweet Lane.

Chief Ferguson stated Alderman Gelhard received a request from residents to install traffic control signs at the intersection of W. Clovernook Lane and N. Bittersweet Lane for safety reasons. This is a 3-way uncontrolled intersection and Alderman Gelhard has requested that stop signs be erected to make it a three-way stop. There have been no accidents or other traffic safety concerns associated with this intersection. The estimated cost for the DPW to purchase three stop signs, three posts, and installation is \$1,238. Signage is to conform with Wis. Stat. § 346.46(1) and Glendale Ordinances Section 10.1.14. Stop signs would need to be included in Schedule D of Glendale Ordinance 10.1.14. Staff recommend approval to install 3-way stop signs at the intersection of W. Clovernook Lane and N. Bittersweet Ln.

Motion by Ald. Gelhard, seconded by Ald. Vukovic, to authorize approval for installation of stop signs at the intersection of West Clovernook Lane and North Bittersweet Lane at a cost of \$1,238.00 and to amend Schedule D of the Code of General Ordinances of the City of Glendale was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, and Shaw. Noes: Ald. Schmelzling. Absent: None. Abstain: None. Motion carried.

VI. File No. _____

Review and Approval of the 2024-2028 Capital Improvement Program and Review of American Recovery Plan Act (ARPA) Fund Eligible Projects

Administrator Warwick stated the City has amended the five-year Capital Improvement Plan (CIP) based on changing costs and conditions and the addition or deletion of capital improvement projects. In addition, staff amended the CIP to better categorize the projects. Staff has provided a supplemental Capital Plan that provides further descriptions of certain projects included in the 5-Year Capital Improvement Plan. The supplemental document summarizes and provides costs estimates for projects included in the Glendale Bike and Pedestrian Plan, provides a description and cost estimates for park improvements that could be included in a future Capital Improvement Plan, provides a description and cost estimates for other capital improvements that could be included in a future Capital Improvement Plan, and summarizes eligible projects for the American Recovery Plan Act (ARPA) Fund. Staff has included a five-year plan for major operational subscriptions, Equipment Replacement Plan, and Technology Replacement Plan. These items were included because they are a major cost to the City and staff requests that the Common Council review these items and begin to allocate funds in future budgets for these subscriptions and replacements. An example is that all City computers were purchased in 2019, with an average lifespan of five years. The plan would set aside funds to replace a percentage of computers on an annual basis rather than allocate significant funds every five years for these replacements. Staff has included the background information on the calculations for the squad car replacement program. Staff did not have the opportunity to complete similar plans to provide additional information on watermain replacement program, road resurfacing program or the Public Works Fleet Replacement Program. These will be provided to Council in the future and will include an analysis on the funding levels necessary to replace these assets prior to the end of their lifespan, rather than relying on a fixed amount. Staff recommend the Common Council approve the 2024-2028 Capital Improvement Program and that the Common Council adopt a plan to formally allocate ARPA funds by December 30, 2024.

Motion by Ald. Gelhard, seconded by Ald. Bailey, to approve the 2024-2028 Capital Improvement Program as recommended 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.

ADJOURNMENT.

There being no further business, a motion was made by Ald. Daugherty, seconded by Ald. Gelhard, 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 7:17 p.m., until Monday, July 24, 2023, at 6:00 p.m.

Megan Humitz
City Clerk