

CITY OF GLENDALE COMMON COUNCIL

Meeting Minutes

March 11, 2024

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 6:02 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; Mark Ferguson, Police Chief; Jessica Ballweg, Deputy City Administrator; Charlie Imig, Director of Public Works; John Fellows, Community Development Director; Kenneth Smith, City Planner; 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, March 7, 2024, 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 February 26, 2024 and Approval of Accounts Payable.

Motion by Ald. Gelhard, seconded by Ald. Shaw, to Adopt the Minutes of Meeting held February 26, 2024 and Approve Accounts Payable was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

PUBLIC HEARING: PLANNED DEVELOPMENT DISTRICT REGARDING A PLANNED DEVELOPMENT DISTRICT FOR GENERAL AND SPECIFIC DEVELOPMENT PLANS FOR THE BUSINESS INTERESTS OF MS. CHARESE GARDNER, AT 1811 W SILVER SPRING DRIVE IN A PD PLANNED DEVELOPMENT DISTRICT, TAX KEY NUMBER 195-9000-000.

Community Development Director, John Fellows, stated In July of 2023 Phoenix JCR Glendale Industrial Investors, LLC sought to rezone 5055 North Lydell Avenue from B-1 "A-1" to PD – Planned Development with a plan of operation for corporate offices. The applicant originally sought to rezone from B-1 "A-1" to PD – Planned Development with a plan of operation for corporate offices. Corporate offices are generally defined as primarily office uses. The applicant went through the general development plan process and received approval from the Common Council following a public hearing from the PARC with a positive recommendation of approval and a Common Council Public Hearing and approval. The next step for the applicant was to apply for approval of a Specific Development Plan and follow up with a development agreement. The applicant has now modified their plan, and the process for this re-zoning request must start over again. The applicant has modified the application from being a corporate headquarters to a regional center on the northern portion of the property and, corporate offices, minor back warehouse areas, and vacancies. As such a new general development plan and specific

development plan are required to be approved by the Common Council. In addition, a development agreement will be required as a final action by Council.

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. Vukovic. 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 a General and Specific Development Plan for Phoenix JCR Glendale Industrial Investors LLC, at 5055 N Lydell Avenue in a PD Planned Development District, mixed-use development land use classification, Tax Key Number 203-8995-004, subject to staff requirements was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

Motion by Ald. Vukovic, seconded by Ald. Schmelzling, to approve a Development Agreement for Phoenix JCR Glendale Industrial Investors LLC, at 5055 N Lydell Avenue in a PD Planned Development District, mixed-use development land use classification, Tax Key Number 203-8995-004 was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

PUBLIC HEARING: PLANNED DEVELOPMENT DISTRICT REGARDING A PLANNED DEVELOPMENT DISTRICT FOR A GENERAL AND SPECIFIC DEVELOPMENT PLAN FOR PHOENIX JCR GLENDALE INDUSTRIAL INVESTORS LLC, AT 5055 N LYDELL AVENUE IN A PD PLANNED DEVELOPMENT DISTRICT, MIXED-USE DEVELOPMENT LAND USE CLASSIFICATION, TAX KEY NUMBER 203-8995-004.

Community Development Director, John Fellows, stated staff have noticed several instances where parcels were rezoned to PD Planned Development without completing the process prescribed in the Glendale Code of General Ordinances for PD Districts. Without completion of the process, any parcel rezoned to PD effectively has no legal land uses. Staff have been unable to locate any Development Agreement associated with the parcel. A February 16, 2012 email suggests longtime former City of Glendale officials rezoned that entire salient of Glendale territory south of W. Silver Spring Drive and west of the Union Pacific rail right-of-way around 1995 when W. Silver Spring Drive was last redeveloped, and the parcel has technically been without a legal land use since then under Glendale Ordinances. Specific to the parcel, assessment data suggests the current structure dates to 1975. But aerial photography suggests at least part of the current structure was built between 1937 and 1951 with additions and renovations made over time. For a time the property fell into disrepair but the property manager and applicant has invested in the property and worked to correct any defects. Completing the rezoning process, allowing for legal uses, may make it easier to attract tenants to the property, allowing for more cash flow to facilitate further investment in the property. There are no major changes planned to the structure or the property at this time. Any renovations would be subject to the normal permitting and permission processes.

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. Bailey 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. Bailey, seconded by Ald. Gelhard, to approve a Planned Development General and Specific Development Plan for the business interest of Ms. Charese Gardner, at 1811 W Silver Spring Drive in a PD Planned Development District, Tax Key Number 195-9000-000, subject to approval of the original site plan, landscaping plan, and building elevations as document was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

Motion by Ald. Gelhard, seconded by Ald. Vukovic, to approve a Planned Development Agreement for a Planned Development District for Ms. Charese Gardner, at 1811 W Silver Spring Drive in a PD Planned Development District, Tax Key Number 195-9000-000 as presented was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmeltzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

NEW BUSINESS.

II. File No. _____

Review and Approval of Johnson Control's Request for Open Burn Permit to Maintain the Prairie at 5757 N Green Bay Avenue

Administrator Warwick stated David J. Frank Landscaping, on behalf of Johnson Controls, is requesting Common Council approval for an Open Burn Permit to maintain the prairie at 5757 N Green Bay Road. The date of the open burn is Saturday, March 30, 2024. The North Shore Fire/Rescue has approved their permit for this date.

Motion by Ald. Shaw, seconded by Ald. Gelhard, to approve the Open Burn Permit at 5757 N Green Bay Road for the purpose of maintaining a prairie at 5757 N Green Bay Road with a scheduled burn date of March 30, 2024 or an alternate date permissible by North Shore Fire/Rescue was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmeltzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

III. File No. _____

Work Order for Construction Services for the Private Lateral Replacement Program with Clark Dietz

Administrator Warwick stated under the City's agreement with the Milwaukee Metropolitan Sanitary Sewerage District (MMSD), they fund the replacement of private sanitary sewer laterals in various municipalities throughout the County. As part of this program, the City's contractual engineering firm, Clark Dietz typically performs the construction inspection of these private lateral replacements, funded by MMSD.

Motion by Ald. Gelhard, seconded by Ald. Schmeltzling, to approve authorization to the City Administrator execute a Construction Engineering Work Order with Clark Dietz, not to exceed \$112,755, for the Private Lateral Replacement Program was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmeltzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

IV. File No. _____

Proclamation – Proclaiming April 26, 2024 as Arbor Day in the City of Glendale

Administrator Warwick stated the proposed Arbor Day Proclamation is required for the City's continued participation in the Tree City USA Award program. The City typically celebrates by planting a tree with students from Parkway Elementary. This year, Arbor Day is nationally recognized on April 26, 2024. At this time, an official date for Glendale's celebration has not yet been scheduled. Once the official date is selected, we will inform Council and the public.

Motion by Ald. Shaw, seconded by Ald. Bailey, to approve the 2024 Arbor Day Proclamation was approved. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmeltzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

V. File No. _____

Resolution Authorizing the Director of Public Works to Sign and Submit the Recycling Grant Application and Annual Reports to the Wisconsin Department of Natural Resources (WDNR)

Administrator Warwick stated an annual resolution is required prior to submittal of the 2023 WDNR Recycling Grant Application.

Motion by Ald. Shaw, seconded by Ald. Schmelzling, to approve the updated resolution authorizing the Director of Public Works to sign and submit the recycling grant application and annual reports to the WDNR 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. Shaw, seconded by Ald. Schmelzling, to convene in Closed Session per Wis. Stat. Sec. 19.85(1)(g) to confer with legal counsel for the governmental body who is rendering advice concerning strategy to be adopted by the body with respect to Milwaukee County Case Number 21-CV-6740, including possible petition to state supreme court. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried.

A closed session of approximately minutes 36 was held. The Council discussed Milwaukee County Case Number 21-CV-6740.

Motion by Ald. Bailey, seconded by Ald. Gelhard, 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. Gelhard, seconded by Ald. Shaw, to adjourn the meeting. Ayes: Ald. Vukovic, Daugherty, Gelhard, Bailey, Schmelzling, and Shaw. Noes: None. Absent: None. Motion carried and adjournment of the Common Council was ordered at 7:03 p.m., until Monday, March 11, 2024, at 6:00 p.m.

Megan Humitz
City Clerk