

**CITY OF GLENDALE COMMON COUNCIL**

Meeting Minutes

June 8, 2020

Regular meeting of the Common Council of the City of Glendale held in City Hall Council Chambers, 5909 North Milwaukee River Parkway, Glendale, Wisconsin.

The meeting was called to order by Mayor Kennedy at 6:15 p.m.

Roll Call: Present: Mayor Bryan Kennedy, Ald. Tomika Vukovic, Jim Daugherty, John Gelhard, Richard Wiese, Steven Schmelzling, and JoAnn Shaw. Absent: None.

Other Officials Present: Rachel Safstrom, City Administrator; John Fuchs, City Attorney; Mark Ferguson, Police Chief; 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.

Administrator Safstrom advised that in accordance with the Open Meeting Law, the local news media was advised on Thursday, June 4, 2020, 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

- I. File No. \_\_\_\_\_  
Public Hearing for the Discontinuing of Portion of Rights-of-Way Located at Bayshore Town Center, 5800 North Bayshore Drive, Glendale, WI.

Mayor Kennedy stated as part of the upcoming plans for the redevelopment of Bayshore Town Center, the developer has requested the streets of the development be private. In June 2019, the Council went through this process. Though several engineers reviewed the information, a short portion of the streets were not included in the previous request. The City must now proceed with the process to vacate the remaining portion of N. Bayshore Drive. Notices were mailed to property owners within 2,650 feet, and Staff has not had any response from residents. All notice requirements have been met.

Administrator Safstrom stated the streets were given to Bayshore approximately one year ago. However, the City still has the easement for utilities and is responsible for everything related to those utilities.

Mayor Kennedy asked three times if anyone in the audience wished to speak at this public hearing. There was no public comment.

Motion by Ald. Wiese, seconded by Ald. Shaw, to close the public hearing.

Motion by Ald. Vukovic, seconded by Ald. Schmelzling, to approve the Resolution for discontinuation of streets at 5800 North Bayshore Drive. Ayes: Ald. Vukovic,

Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

PUBLIC COMMENT.

Ald. Schmelzling shared concerns regarding online streaming of Council meetings from his constituent, Danielle Bailey, 6620 N Braeburn Lane (see attached).

CONSENT AGENDA.

- II. File No.  
Adoption of Minutes of Meetings held on May 18, 2020 and May 29, 2020, Approval of Accounts Payable, Payment 2 to Forward Contractors LLC for work completed on the Port Washington Road Intersection Reconstruction Project, and Payment 2 to LaLonde Contractors Inc. for work completed on the Lydell Avenue Reconstruction Project.

Administrator Safstrom stated the minutes from the May 29, 2020 Council meeting are incomplete, and requested they be removed and approved at the June 22, 2020 Council meeting.

Motion by Ald. Gelhard, seconded by Ald. Wiese, to adopt the minutes of meeting held on May 18, 2020, and to approve Accounts Payable, Payment 2 to Forward Contractors LLC, and Payment 2 to LaLonde Contractors, Inc. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

NEW BUSINESS.

- III. File No.  
Ordinance Amending Sections 15.1.7 (a) (2) relating to Permits Required, and Sections 15.1.71, 15.1.75, 15.1.76 and Repealing Section 15.1.78 relating to Electrical Permits.

Administrator Safstrom stated the State of Wisconsin Department of Safety and Professional Services conducted a review of the City of Glendale Code of Ordinances. During the review, conflicts with the statutes and building code were found. Staff recommends amending the ordinance to fix conflicts to be in compliance with the State.

Motion by Ald. Shaw, seconded by Ald. Wiese, to Amend Sections 15.1.7 (a) (2) relating to Permits Required, and Sections 15.1.71, 15.1.75, 15.1.76 and Repealing Section 15.1.78 relating to Electrical Permits.. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

- III. File No.  
Ordinance Creating Section 11.2.21 relating to State Licensed Massage of Bodywork Therapy Establishments and Amending the Current Section 11.2.21 Relating to Penalties.

Attorney Fuchs stated the Glendale Police Department requested the creation of an

ordinance to preemptively prevent and investigate any massage and bodywork therapy establishments, which are licensed by the State, from conducting illegal prostitution activity. The ordinance also provides that the business cannot be conducted at all unless licensed by the State.

Ald. Wiese questioned if this will apply to chiropractic massage or massage which is considered physical therapy. Attorney Fuchs clarified this does not apply to those situations, and will only apply to businesses there are strictly for massage or bodywork therapy.

Motion by Ald. Gelhard, seconded by Ald. Shaw, to Create Section 11.2.21 relating to State Licensed Massage or Bodywork Therapy Establishments and Amending the Current Section 11.2.21 Relating to Penalties. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

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

Initial Consideration – Discontinuance of a Public Way for the vacating of a public area at 6010 N. Port Washington Road (Former Pier 1 Imports).

Attorney Fuchs stated as part of the upcoming plans for the redevelopment of Bayshore Town Center, a portion of the southerly driver at 6010 N. Port Washington Road needs to have an easement for the MCTS Buses to turnaround. In order to accomplish this, staff has worked with the property owner at 6010 N. Port Washington Road to vacate a portion of right-of-way that has been utilized by the property for parking. Staff will concurrently file the Lis Pendens after the Council approves the initiating Resolution in July. Attorney Fuchs stated the Department of Transportation cannot determine if the area is State or City property, and therefore both entities have agreed to a quitclaim.

Mayor Kennedy stated the issue will have to be brought back to a future Council meeting, and Attorney Fuchs requested postponement until the June 22, 2020 meeting.

Ald. Schmelzling questioned what is currently on the piece of property in question. Attorney Fuchs clarified it is a small portion of the parking lot, previously utilized by Pier 1. Additionally, Bayshore Town Center has already constructed the bus turnaround, and is waiting to implement its use.

Motion by Ald. Daugherty, seconded by Ald. Shaw, to postpone authorizing the City Administrator and City Attorney to proceed with the vacation of right-of-way at the 6010 N. Port Washington Road property. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

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

Mayor and Council City Email Accounts.

Administrator Safstrom stated in 2016, the City implemented email accounts for the Mayor and Council. At the time, a consultant indicated it would be best to use Office 365 for those accounts, and implemented a corporate version of Office 365. In 2019, City staff were migrated to the government version of Office 365. In order to properly and efficiently administer the accounts, the Mayor and Council emails need to be migrated to the government account. New emails will be created with the extension @glendalewi.gov and access to @glendale-wi.gov will

continue to function, however emails in the corporate account will not be able to be saved or transferred.

Administrator Safstrom stated instructions on how to access the new email account have been sent out, and all emails in the current accounts that need to be saved will need to be forwarded to the new email address in the next 4-6 weeks.

Mayor Kennedy added Apple mail has a system in place to download emails to the computer, for those operating on an Apple system. Ald. Schmelzling indicated for those on other systems, there should be a way to export and re-import emails, which he will look into and share the process with Council.

Ald. Vukovic raised concern regarding open records requests for past emails. Administrator Safstrom stated anything from the “old” email account would require saving to a flash drive to provide a copy to the City.

This item was for information purposes only.

VI. File No.  
Update on the Review Schedule for the Comprehensive Master Plan 2040.

Administrator Safstrom stated the Plan Commission has been working to develop an updated Comprehensive Master Plan. The initial plan for approval included a Public Open House in April 2020, which was delayed to due to the pandemic.

Staff has worked with the consultant to develop an alternative to the Open House that would adhere to the State requirements. A virtual open house is now scheduled from June 10-June 30, 2020. Information will be available on the City website, with an opportunity to question or comment on the plan in an electronic form. As not all residents will have access to this opportunity, an ad will be placed in the North Shore NOW informing residents of the virtual open house, and letting them know copies will be available at City Hall.

Administrator Safstrom stated the Plan Commission provided a timeline for approval, however due to National Night Out on August 4, 2020, a new date will need to be scheduled for the Joint Council/Plan Commission Public Hearing and Approval of the Plan. Staff will work with the Plan Commission and Council to determine the date.

This item was for information purposes only.

VII. File No.  
Support of Proclamation to Declare a Glendale City Public Emergency.

Mayor Kennedy stated on Saturday, May 29, 2020, information was received by the Police Department that there was an imminent threat of unlawful and violent behavior planned for the City of Glendale and Bayshore. The information was passed along to the City Administrator and the Mayor to determine the best course of action, with the assistance of the Police Chief. It was determined a curfew for Saturday and Sunday would be appropriate to keep the residents of Glendale safe, as well as allow the Police Department to focus on the areas of concern.

Administrator Safstrom stated the events of the evening escalated very quickly and the

behavior on social media demonstrated a drastic turn of events. Chief Ferguson added there was a large number of vehicles involved in incidents on Friday and Saturday evening, which required a strong police presence in the City and at Bayshore. The events during the day were largely peaceful and free of incidents. However, there was some criminal damage to property at night, including destruction of a vehicle at the Heiser dealership and damage to windows.

Ald. Wiese raised concern over the need to have a citywide curfew. He recalled an incident from several years ago which required police intervention, but did not necessitate a curfew. He also indicated that it would have been appreciated if the Council was notified by a call instead of an email at the time a decision was made regarding curfew, to provide details on the event that led to the decision and the criteria met to implement the curfew. Ald. Daugherty and Ald. Schmelzling voiced their agreement with these concerns.

Ald. Gelhard stated he received communication from Glendale resident, Rob Cronwell, over concerns that the curfew was in violation of Statute 3.23.11 which indicates only the governing body can make these decisions, and if the governing body is unable to meet then the decision may be made by the Mayor. Administrator Safstrom stated the North Shore Emergency Plan and the Citywide Emergency Plan provide the necessary authorization to the City Administrator and Mayor to execute these decisions. Ald. Gelhard indicated his concern that the Statute should trump the Emergency Plan. Mayor Kennedy confirmed that the incident escalated at a rapid rate, which would not have allowed enough time to hold an emergency Council meeting. However, there could have been a meeting on Sunday and a determination by the Council for continuance of the curfew.

Ald. Vukovic stated she was involved in the protests and marches, during which she heard the escalation of threats of violence. Ald. Vukovic reached out to the City Administrator immediately, and believes that the action of the police and the curfew saved the City from damage and further violence.

Motion by Ald. Shaw, seconded by Ald. Vukovic, to support the Proclamation to Declare a Glendale City Public Emergency. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

VIII. File No.  
Statement on Racial Equity.

Mayor Kennedy stated he has provided the Statement of the Glendale Common Council on Racial Equality. This statement is a starting point to define the City's stance on racial equality, and the goal of working together in peace, denouncing hate and oppression, and working as a community with all residents to move the City forward.

Mayor Kennedy stated in the five years since he was first elected, the City has elected the first African American Alderwoman, who has also served as the first Common Council President. In addition, the committees and commissions in the City have positions held by a diverse group of individuals. In positions, such as the School Board, where people have been previously hesitant to step up, there is now representation by the African American community which reflects the over 55% African American population of the school district.

Ald. Schmelzling requested to amend the second paragraph of the Statement to read “The death of George Floyd at the hands of four Minneapolis Police officers is just the latest in a series of ~~brutal~~ too many killings of ~~unarmed~~ Black citizens by police.”

Glendale citizen, Michelle Tong, of 2500 W Wending Lane, spoke to the issue of defunding the police, and raised the concern that she would like to see police department funding reallocated to other community resources.

A Nicolet high school student made a statement to the Council that while the role of police officer serves a noble purpose, the position is susceptible to abuses of power.

State Senator, Lena Taylor, spoke to the Council and gave credit to Chief Ferguson as the most responsive Chief among area municipalities in response to the protests and activities over the past week. She recommended using his position of a leadership to be a partner with other communities and work together to show people of color matter.

Ald. Schmelzling shared concerns from his constituent, Danielle Bailey, 6620 N Braeburn Lane (see attached). Administrator Safstrom state the City is unable to provide demographic statistics, due to the Civil Rights Act and the City being an entity of less than 100 employees.

Ald. Vukovic stated when she first ran for elected office, she was nervous because it was rare for people of color to do so in the community. She began on the school board in order to represent people of color. She is proud to be a part of the Glendale community, but also feels strongly that she has an obligation to be involved in Milwaukee and Shorewood, as she has personal ties there as well. Ald. Vukovic supports the Statement on Racial Equality, however she feels that it is a “watered down” statement.

Motion by Ald. Vukovic, seconded by Ald. Shaw, to approve the Statement on Racial Equity as amended. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried.

IX. File No.  
Mayor’s Review of Glendale Police Department’s “Use of Force Policy.”

Mayor Kennedy stated last week he signed the Mayor’s “Pledge to Review Police Use of Force” put forward by the My Brother’s Keeper Alliance. He requested the current Glendale PD Use of Force Policy, and reviewed the entire document. Mayor Kennedy spoke with the City Attorney and Chief of Police regarding the department’s history of use of force. In the five years since he has been mayor, there has not been a situation of Glendale officers not abiding by the Use of Force Policy or of the officers inflicting bodily harm. The entire police force is required to go through annual training on the use of Deadly Force, and no red flags have been identified by the Police Commission nor have changes been proposed to the rules or policy for the department.

Mayor Kennedy indicated at this time he is not making any requests of the Police Commission to make changes to the policy, as he believes that the current policy is in keeping with best practices. Additionally, the City’s insurance carrier, CVMIC, has also reviewed the policy and approves of the current Use of Force Policy.

Mayor Kennedy stated he and Ald. Vukovic are working with religious leaders and

Glendale Police Department leadership to facilitate a conversation between Glendale's black residents and the department.

Chief Ferguson stated the Police Department currently follows the practices of "8 Can't Wait" and focus on the goal of compliance through conversation with a subject. The department tracks their use of force, and require reporting to both shift supervisors and command staff in any instance force is used. The department does allow for lateral vascular neck restraints, which are a non-lethal version of a chokehold. However, this practice is to be used sparingly and is now suspended in the department.

Mayor Kennedy addressed the current concerns regarding defunding police departments. He stated the police in smaller communities are expected to take on a variety of roles and responsibilities, such as drug intervention or social work. In a municipality the size of Glendale, with 40 police officers, there are not resources available to make the job duties more restrictive and instead there is an expectation of cross training in many areas.

Ald. Schmelzling raised concern over the use of deadly force portion of the Use of Force Policy, in which it states "No distinction shall be made relative to the age or sex of the intended target of deadly force". Ald. Schmelzling requested the addition of race to this statement.

Ald. Schmelzling shared concerns from his constituent, Danielle Bailey, 6620 N Braeburn Lane (see attached).

Glendale resident Jean Tong, 2500 W Wending Drive, raised a question regarding whether or not officers receive any diversity training or anti-bias training. Chief Ferguson stated all officers are required to go through extensive trainings, including those on diversity and anti-bias, as well as crisis intervention. He stated the primary focus for officers is on the matter of law and probable cause during any police contact.

This item was for information purposes only.

#### COMMISSION, COMMITTEE AND BOARD REPORTS.

There were several updates from Council members, on the activities of the various Commissions, Committees and Boards on which they serve.

#### CLOSED SESSION.

Motion by Ald. Shaw, seconded by Ald. Wiese, to convene in Closed Session per Wis. Stats. §19.85(1)(e) for Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session (discussion on North Shore Library agreement and potential relocation of facility). Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling and Shaw. Noes: None. Absent: None. Motion carried.

A closed session of approximately 42 minutes was held. The Council discussed the North Shore Library Agreement and potential relocation of the facility.

Motion by Ald. Daugherty, seconded by Ald. Schmelzling, to reconvene to open session and regular order of business. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese,

Schmelzling and Shaw. Noes: None. Absent: None. Motion carried.

ACTION ON CLOSED SESSION ITEMS.

No action was taken on items discussed during closed session.

ADJOURNMENT.

There being no further business, motion was made by Ald. Wiese, seconded by Ald. Shaw, to adjourn the meeting. Ayes: Ald. Vukovic, Daugherty, Gelhard, Wiese, Schmelzling, and Shaw. Noes: None. Absent: None. Abstain: None. Motion carried and adjournment of the Common Council was ordered at 8:26 p.m., until Monday, June 22, 2020, at 6:00 p.m.

Megan E. Humitz  
City Clerk

Recorded: June 9, 2020.