

BOARD OF MAYOR AND ALDERMEN

January 8, 2018

The regular meeting of the Board of Mayor and Aldermen was held on Monday, January 8, 2018, at 6 p.m. in the Council Chambers at City Hall.

Mayor Mike Palazzolo was present and presiding.

The following aldermen were present: John Barzizza, Mary Anne Gibson, Dean Massey, Forrest Owens and Rocky Janda. Staff present: Michele Betty, Rodney Bright, Paul Chandler, Reynold Douglas, David Harris, Tim Gwaltney, Jason Huisman, Patrick Lawton, Bo Mills, Cathryn Perdue, Cameron Ross, Emily Rozar, John Selberg, Paul Turner and Steve Wilensky.

Call To Order

The Mayor called the meeting to order.

Invocation

Tony Fischer gave the invocation.

Pledge of Allegiance

Alderman Janda led the Pledge of Allegiance.

Approval of the Agenda

During the executive session, the Board unanimously agreed to move to the Consent Agenda: #10 Professional Services Agreement Safe Routes to Schools. During the regular meeting, prior to approving the agenda, the Board unanimously agreed to move #9 Resolution 18R03 Instituting an Eighteen Month Moratorium on New Standalone Multi-family Development in the Smart Code Zoning Districts to follow Citizens to be Heard.

Motion by Mr. Janda, seconded by Ms. Gibson, to approve the agenda as amended.

ROLL CALL: Barzizza-yes, Gibson-yes, Massey-yes, Owens-yes, Janda-yes. Motion approved.

Approval of Minutes

There were no corrections to the December 11, 2017 minutes.

Motion by Mr. Barzizza, seconded by Mr. Janda, to approve the December 11, 2017 minutes.

ROLL CALL: Barzizza-yes, Gibson-yes, Massey-yes, Owens-yes, Janda-yes. Motion approved.

There were no corrections to the December 18, 2017 minutes.

Motion by Mr. Janda, seconded by Ms. Gibson, to approve the December 18, 2017 minutes.

ROLL CALL: Barzizza-yes, Gibson-yes, Massey-yes, Owens-yes, Janda-yes. Motion approved.

Alderman Liaison Reports

The Aldermen reported on their commission activities.

Citizens to be Heard

Richard Marsh, 7359 Poplar Pike, stated he supports quality multi-family. He referred to reports, surveys and factual data by the Sierra Club, the Urban Land Institute, the American Institute of Architects, and Harvard University regarding high density multi-family development as a part of mixed use development in suburban communities.

Margaret Jackson, 1409 Riverwood Cove, stated she is not anti apartment and development. She is concerned about overcrowding in schools.

Marlene Strube, 7642 Foster Ridge, stated she is not opposed to change and development. Her concerns are about more apartments resulting in an increase in public services and school overcrowding resulting in higher taxes.

Steve Shields, 1716 Cordova Road, stated he favors the moratorium and data can be taken out of context.

Jim Jacobs, 7684 Apple Valley Road, stated the parcel of land referred to as Owen's Triangle, was originally zoned as residential and is disappointed with the T4 zoning. Smart growth does not fit in all areas.

Jaime Picunko, 9318 S. Romano Way, expressed her concerns about smart growth, zoning changes, dense developments, school crowding and small plan apartments.

Don Lossing, 1475 Cordova Road, shared his concerns about marketing businesses and developers from outside the area telling the City that it needs more apartments.

Barry Britton, 1752 Crooked Creek Lane, stated he is proud of Germantown as a community but believes it is becoming an extension of East Memphis.

Patsy McLaughlin, 1752 Crooked Creek Lane, is against more apartments, likes Germantown because of its beauty and is opposed to the clear cutting of trees.

John Peyton, 1705 Old Mill Road, stated Germantown has always stayed the same with its strict codes and rules. Now the building codes are relaxed for the sake of growth and he feels the developers have taken advantage of this. He is not against Thornwood and its apartments but does not favor any additional apartments.

David Dixon, 1600 Cordova Road, stated he is against apartments.

Resolution 18R03 Instituting an Eighteen Month Moratorium on New Standalone Multi-family Development in the Smart Code Zoning Districts

Mayor Palazzolo read a resolution imposing an eighteen (18) month moratorium temporarily halting both the acceptance of new applications and the processing of applications for stand-alone multi-family development (including any locations within mixed use projects or planned developments) in the Smart Code Zoning Districts. Excepted from the moratorium are stand-alone multi-family development applications in the Smart Code Zoning Districts that have already been approved at any stage of the development process by the City, including any of its boards, departments, or commissions, specifically Thornwood, Watermark, Viridian, and the Carter mixed use development.

The purpose of the temporary moratorium is to allow the City an opportunity to study, research, analyze and/or assess the likely impacts and nature of any future multi-family development in the Smart Code Zoning Districts, including, without limitation and as the City deems appropriate, development and demographic trends, aesthetic qualities, burdens upon and access to City services, resources, schools, infrastructure, utilities, parks, public areas/facilities, and emergency and police services, traffic congestion, public safety, and neighborhood characteristics.

Motion by Ms. Gibson, seconded by Mr. Janda, to adopt Resolution 18R03 – a resolution instituting an eighteen-month moratorium on new stand alone multi-family development in the Smart Code zoning districts.

Motion by Ms. Gibson, seconded by Mr. Owens, to amend Resolution 18R03 to expand the moratorium from stand alone multi-family development in the Smart Code zoning district to include new apartments and apartment buildings in the Smart Code zoning district.

ROLL CALL: Barzizza-yes, Gibson-yes, Massey-yes, Owens-yes, Janda-yes. Motion to amend approved.

Motion by Mr. Barzizza, seconded by Mr. Massey, to amend the amendment to Resolution 18R03 by making the moratorium permanent for all new apartments. Motion rescinded by Mr. Barzizza and second by Mr. Massey withdrawn.

Motion by Mr. Owens, seconded by Mr. Janda, to call the question.

ROLL CALL: Barzizza-no, Gibson-no, Massey-no, Owens-yes, Janda-no. Motion failed.

Motion by Mr. Barzizza, seconded by Mr. Massey, to defer the vote on Resolution 18R03, for 30 days, to hold a work session.

ROLL CALL: Barzizza-yes, Gibson-no, Massey-yes, Owens-no, Janda-no. Motion to amend failed.

Motion by Mr. Massey, seconded by Mr. Barzizza, to amend Resolution 18R03 to place a moratorium on all multi-family development in Germantown.

ROLL CALL: Barzizza-yes, Gibson-no, Massey-yes, Owens-no, Janda-no. Motion to amend failed.

ROLL CALL: On original motion by Ms. Gibson, seconded by Mr. Owens, to amend Resolution 18R03 to expand the moratorium from stand alone multi-family development in the Smart Code zoning district to include new apartments and apartment buildings in the Smart Code zoning district as amended.

Barzizza-yes, Gibson-yes, Massey-yes, Owens-yes, Janda-yes. Motion approved.

CONSENT

Appointment to Board of Zoning Appeals

There is one vacancy on the Board of Zoning Appeals. Ms. Rhea Clift has expressed a desire to serve on this Board.

MOTION: To appoint Rhea Clift to the Board of Zoning Appeals until December 31, 2018.

Appointment to Great Hall & Conference Center Advisory Commission

There are two vacancies on the Great Hall & Conference Center Advisory Commission. Mr. Brian Carney has expressed his desire to serve on this commission.

MOTION: To approve the appointment of Mr. Brian Carney to serve on the Great Hall & Conference Center Advisory Commission until December 31, 2018.

Donation - Neighborhood Preservation Commission

This item is to accept donations to the Neighborhood Preservation Commission supporting the Neighborhood Summit in the amount of \$600.00. The summit helps provide neighborhood associations with information on activities in the city and how to improve their association's events and activities. The commission solicits sponsorship donations to cover expenses associated with the event.

MOTION: To accept and recognize four (4) donations for a total amount of \$600.00 to the Neighborhood Preservation Commission and approve Budget Adjustment No. 18-27.

Donation – Fire Department

The Fire Department received a donation of \$50.00 from Patrick and Sandra Kramer. They included a note to “Please accept the enclosed check in appreciation for all the hard work provided by your firemen.”

MOTION: To accept donation in the amount of \$50.00 to support the Fire Department Fire Prevention program and to approve Budget Adjustment No.18-29.

Professional Services Agreement - City Hall Elevator Replacement

This agenda item is to consider approval of a Professional Services Agreement with McGehee Nicholson Burke Architects in the amount of \$14,000.00 to provide engineering services and construction documents for the replacement of the elevator at City Hall with an elevator that is ADA compliant.

MOTION: To approve a Professional Services Agreement with McGehee Nicholson Burke Architects, PC in the amount of \$14,000.00 and Budget Adjustment 18-30 to provide engineering services to design and prepare construction documents for the replacement of the existing elevator located within the City Hall building.

Purchase – Google G Suite Annual Licensing

In January 2013, the Board approved the implementation of Google Apps for Government. Annual maintenance and licensing has been renewed each January since implementation. The purpose of this agenda item is to request authorization to renew the annual licensing for Google G Suite Business and Google Chrome Device Management in the amount of \$55,452.90 from Onix Networking.

MOTION: To authorize the renewal of annual licensing for G Suite Business and Google Chrome Device Management in the amount of \$55,452.90 from Onix Networking.

Right-of-Way Acquisition – Tract 20 – Germantown Road/Wolf River Boulevard Intersection Improvement Project

This item is to request approval of a right-of-way acquisition agreement with Market Place Investments in the amount of \$34,300.00 for the purchase of real estate and/or easements related to improvements to the intersection of Germantown Road and Wolf River Boulevard.

MOTION: To approve the right-of-way acquisition of real estate from Marketplace Investments, L.L.C. (Formerly Collis Foods) for the total lump sum amount of \$34,300.00 for a portion of Tract 20 and authorize the disbursement of the purchase price to the seller.

Professional Services Agreement – Safe Routes to Schools (SRTS)

The SRTS program was established in 2005 as part of federal legislation to provide funding to State Departments of Transportation to create and administer SRTS programs. Purposes include (1) enable and encourage children, including those with disabilities, to walk and bike to school; (2) make walking and biking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from an early age; and (3) facilitate planning, development and implementation of projects to improve safety, and reduce traffic, fuel consumption and air pollution in the vicinity of schools.

MOTION: To approve a Professional Services Agreement with the Pickering Firm, Inc. in the amount of \$33,884.76 for engineering design services related to two Safe Routes to School projects in the Riverdale Elementary School zone.

Motion by Mr. Barzizza, seconded by Ms. Gibson, to accept the consent agenda as amended.

ROLL CALL: Barzizza-yes, Gibson-yes, Massey-yes, Owens-yes, Janda-yes. Motion approved.

REGULAR

Ordinance No. 2017-09 – Amendments to Sign Ordinance Related to Permanent Signage – Third Reading

In an effort to address concerns about visibility that have been raised regarding signage for tenants in small retail or commercial centers in Germantown, City staff, at the request of the Design Review Commission, prepared the amendments to Chapter 14 of the Municipal Code, Germantown Sign Ordinance. The changes will assist in providing some visual street identity for small business owners with limited street presence, while also preserving the existing character of commercial areas in Germantown.

Motion by Ms. Gibson, seconded by Mr. Barzizza, approve on third and final reading Ordinance 2017-9, amendments to Chapter 14 of the Municipal Code, the Germantown Sign Ordinance related to Permanent Signs.

ROLL CALL: Barzizza-yes, Gibson-yes, Massey-yes, Owens-yes, Janda-yes. Motion approved.

Meeting Adjourned.

Mike Palazzolo, Mayor

Michele Betty, City Clerk/Recorder