

BOARD OF MAYOR AND ALDERMEN

November 25, 2013

A regular meeting of the Board of Mayor and Aldermen was held on Monday, November 25, 2013 at 6:00 p.m. in the Council Chambers of the Municipal Center.

Mayor Sharon Goldsworthy was present and presiding.

The following Aldermen were present: Greg Marcom, Mike Palazzolo, Forrest Owens and Rocky Janda. Alderman John Drinnon was absent. Staff present: Patrick Lawton, Debra Wiles, George Brogdon, Tim Gwaltney, Bo Mills, Susan Hopson, Chief John Selberg, Chief Richard Hall, Pam Beasley, Reynold Douglas, Butch Eder, Ralph Gabb, Lisa Piefer and Dotty Johnson.

Call to Order

Mayor Goldsworthy called the meeting to order at 6:00 p.m.

Invocation

Public Services Director Bo Mills gave the invocation.

Pledge of Allegiance

Alderman Greg Marcom led the Pledge of Allegiance.

Approval of Agenda

During the executive session the Board had agreed to move the following agenda items to the Consent Agenda:

No. 14 – Desktop Computer Upgrades

No. 15 – Asphalt Rejuvenation

They agreed to move No. 13 – Resolution 13R16 to after No. 8.

Motion by Mr. Marcom, seconded by Mr. Owens, to approve the agenda as amended.

ROLL CALL: Marcom-yes, Palazzolo-yes, Owens -yes, Janda-yes. Motion approved.

Approval of Minutes

There were no corrections or additions to the minutes.

Motion by Mr. Palazzolo, seconded by Mr. Marcom, to approve the minutes of the Board of Mayor and Aldermen meeting November 11, 2013.

ROLL CALL: Marcom-yes, Palazzolo-yes, Owens -yes, Janda-yes. Motion approved.

Beautification Commission Business Award

Alderman Forrest Owens stepped down from the dais to present Mr. Bassar from Hampton Designs with the Business Beautification Award. The owners of Hampton Designs are Kathy and Rosemary Burns.

Recognition of Senior Citizen Advisory Commission

Community Services Division Director George Brogdon presented the Senior Citizen Advisory Commission and asked them to come forward to be recognized. He stated the Commission had presented the Senior Expo the first Thursday in November for eighteen years. This year, the Commission assumed the responsibility of all registration for the event which draws over 100 vendors annually. Throughout the entire process, not one booth overbooking or glitch occurred. This year's Senior Expo was arguably the best because the Commission stepped up and met the challenge. He also recognized Recreation Superintendent Natalie Ruffin.

Citizens to be Heard

Ms. Lacy Dougher, 3625 Classic Drive, came forward and stated she owned the Winery that had been in business for over 35 years. She was concerned with the Ordinance that was on the agenda. She asked not to change the rules for one person. She stated she had played by the rules for 35 years and other liquor stores had played by the rules and put their businesses in C-2 zones because that was what the City had asked them to do and now the rules are being changed because someone wants to put it in an SC-1. Why are they so special?

Mr. Alex Jekels, 9330 Poplar Pike, stated he had two liquor stores. He stated when Smart Growth started it was about what they wanted the future of Germantown to look like. A lot of meetings had been held between the people most affected. Now with this amendment, the Smart Growth program would be destroyed. He stated that "In order for the owner of a strip to rent its space you just change the zoning." He felt this was a bad move both morally and financially.

Resolution 13R15 – Kimbrough Office Park P.U.D. – Outline Plan

Alderman Marcom recused himself and left the dais.

Economic and Community Development Director Andy Pouncey stated this resolution is to approve an Outline Plan for the proposed Kimbrough Office Park PUD (2.7 acres). The resolution proposes two variances from the standard development regulations. The concept was developed to address the neighbors' comments and to create a more urban layout in keeping with the layout of Kimbrough Grove P.U.D., a residential neighborhood on the west side of Kimbrough Road.

RESOLUTION 13R15

A resolution to approve the Kimbrough Office Park PUD Outline Plan

WHEREAS, the primary thrust of development in the city has taken place under requirements of uniform regulations within each zoning district that they may on occasion prevent or discourage innovative site design and development that will respond to new market demands; and

WHEREAS, the use of improved techniques for land development is often difficult under traditional zoning regulations. Proper development requires a flexible approach to be available both to the city and to the landowner; and

WHEREAS, the Board of Mayor and Aldermen approved the rezoning of the property from "R-T" Multi-Family to the "O" Office District on June 4, 2013. The Planning Commission on November 5, 2013 reviewed the request for the proposed PUD and approved the following variances from the standard development regulations, to address the neighbor's comments and to create a more urban layout in keeping with the layout of Kimbrough Grove P.D., a residential neighborhood on the west side of Kimbrough Road. The Planning Commission recommends approval of these two (2) variances:

1. The Phase I building is located 30 feet from Kimbrough Road and 40 feet from Wolf River Boulevard, and the standard setback from both streets is 60 feet.
2. The Phase 2 building is located 10 feet from Kimbrough Road, and the standard setback is 40 feet.

NOW, THEREFORE BE IT RESOLVED by the City of Germantown that the Kimbrough Office Park Planned Unit Development be approved.

Board of Mayor and Aldermen

November 25, 2013

Page 3

Motion by Mr. Owens, seconded by Mr. Janda, to approve Resolution 13R15 to approve an Outline Plan for the proposed Kimbrough Office Park PUD, located at the southeast corner of Wolf River Blvd. and Kimbrough Road that proposes two variances from the standard development regulations.

ROLL CALL: Marcom-recused, Palazzolo=yes, Owens -yes, Janda=yes. Motion approved.

Ordinance 2013-14 – Amendment to Great Hall Ordinance – Third and Final Reading

Community Services Division Director George Brogdon explained that this was the third and final reading on this ordinance. The ordinance will amend the Great Hall Ordinance to expand the membership from five to seven members and to add “hospitality” to the areas of expertise and change the name to the Great Hall & Conference Center.

Motion by Mr. Janda, seconded by Mr. Owens, to approve Ordinance No. 2013-14 on third and final reading

ROLL CALL: Marcom=yes, Palazzolo=yes, Owens -yes, Janda=yes. Motion approved.

Ordinance 2013-15 – Amendment to Section 3-116 (Alcoholic Beverages – Location of Establishments) regarding zoning districts – First Reading and Set Public Hearing

Mr. Pouncey stated that while this is not part of the Zoning Regulations, it does relate to required zoning of places that sell alcoholic beverages and to the provisions of the Smart Code. Currently, section 3-116 limits places that sell alcoholic beverages to the C-2 district. When the Smart Code and associated districts were adopted in 2007, section 23-804 permitted liquor selling establishments to be located in T-5 districts, subject to the approval of a warrant. This is a clean-up that will include the SC-1 district as a permitted district, and the T-5 district as a permitted district, subject to the approval of a warrant.

Alderman Janda questioned the number of liquor stores that now exist and where they are located.

Alderman Palazzolo asked about the existing areas that are currently C-2. He also questioned the zones and exactly what the Planning Commission looked at before they approved this amendment.

Mr. Pouncey stated the Planning Commission approved the T-5 districts.

Motion by Mr. Owens, seconded by Mr. Janda, to approve on first reading Ordinance 2013-15 which will amend Section 3-116(Alcoholic Beverages – Location of Establishments), and set January 13, 2014 as the date of public hearing.

Alderman Palazzolo stated he would be voting affirmative just to move this to the second and third reading and he would like to hear from others regarding this issue.

Alderman Owens stated he had served several years in various capacities as a planner for Germantown and he never understood the prohibition on alcohol sales in the SC-1 Shopping Center District. Currently, the SC-1 district allows a regular use and more uses than allowed in the C-2 general district. Typically shopping centers are located further away from a school, religious institution, and residence. With our ordinance it will keep liquor stores away from schools, religious institutions and he did not see any reason not to amend the ordinance to allow for this type of alcoholic beverage sales so he would be voting affirmative.

Alderman Marcom requested staff put together for the next meeting a side by side of C-2 versus SC-1 and maybe highlight the differences.

ROLL CALL: Marcom=yes, Palazzolo=yes, Owens -yes, Janda=yes. Motion approved.

Ordinance 2013-16 – Amendment to Chapter 23 – (Zoning Regulations) regarding accessory buildings structures; First Reading and Set Public Hearing

Mr. Pouncey stated the amendment is to keep residents living on double frontage lots from having to go before BZA for a variance so that they can place a storage building, play-fort or similar accessory structure in what they view as their “back yard”, but are considered a front yard by the Zoning Regulations.

In response to a question from Alderman Marcom, Mr. Pouncey stated this would not affect private covenants that subdivisions may have.

Motion by Mr. Owens, seconded by Mr. Marcom, to approve on first reading Ordinance 2013-16 which will amend Sections 23-187 (R-E District), 23-121 (RE-1 District), 23-236 (R District 23-261 (R-1 District), 23-286 (R-2 District) and 23-311 (R-3 District) of the Zoning regulations, and set January 13, 2014 as the date of the public hearing.

ROLL CALL: Marcom-yes, Palazzolo-yes, Owens -yes, Janda-yes. Motion approved.

Ordinance 2013-17 – Amendment to Chapter 17: (Subdivision Regulations) regarding Minor Subdivision Revisions, First Reading and Set Public Hearing

Mr. Pouncey stated this amendment adds the word “revision” to the description to make clear that intent relates to modifications to existing subdivision, and not to the creation of new lots.

Motion by Mr. Owens, seconded by Mr. Marcom, to approve on first reading Ordinance 2013-17, which will amend Section 17-1 (Policies) of the Subdivision regulations and set January 13, 2014 as the date of public hearing.

ROLL CALL: Marcom-yes, Palazzolo-yes, Owens -yes, Janda-yes. Motion approved.

CONSENT

Recognition of Donations to Education Commission

A total of \$4,100.00 was donated to the Germantown Education Commission to provide awards for Teacher of the Month, Teacher of the Year, and the Battle of the Brains competition. Funds from Wolfchase Toyota - \$3,000.00, Rocky Janda - \$1,000, and English Meadows Garden Club - \$100.00.

MOTION: To recognize donations to the Germantown Education Commission, totaling \$4,100.00, and approve Budget Adjustment No. 14-31.

Municipal Park Playground Resurface

This contract with Miracle Recreation in the amount of \$47,750.00 is for construction of poured-in-place safety surface under the playground at Municipal Park. The existing wood chips require constant replenishment and raking due to decay and displacement.

MOTION: To authorize the Mayor to enter into a contract with Miracle Recreation in the amount of \$47,750.00 for the construction of poured-in-place safety surface under the playground at Municipal Park.

Bulk Asphalt Purchase

Hot asphalt mix is used primarily for street maintenance repair, temporary pothole repairs, utility cuts, parks and grounds trail repairs and stormwater maintenance projects. The contracts are with Standard Construction Company, Inc. for \$86,250.00 and Lehman Roberts for \$55,300.00. Having two suppliers during the year will allow access for the hot asphalt in case one of the plants is shut down for holidays or for seasonal maintenance.

Board of Mayor and Aldermen

November 25, 2013

Page 5

MOTION: To approve the purchase of 1,500 tons of 411D hot asphalt mix from Standard Construction Company, Inc. in the amount of \$86,250.00 and 1,000 tons of 411D hot asphalt mix from Lehman Roberts in the amount of \$55,300.00 for a total of \$141,550.00.

Recognition of Donations GPAC Season Sponsors

The Germantown Performing Arts Center wants to recognize and thank contributors who have made contributions totaling \$165,600.00 in cash donations and \$103,000.00 in-kind donations.

MOTION: To acknowledge contributions made in support of the GPAC Gala totaling \$165,600.00 in cash contributions and \$103,000.00 in-kind donations.

Cabling – Germantown Municipal School District (GMSD) Central Office

Cabling is required at the Carrefour Mall for the GMSD central office space. This project will support both phones and computers in office spaces. The contract is with Datacomm Services Corporation in the amount of \$13,677.87.

MOTION: To authorize the Mayor to enter into a contract with Datacomm Services Corporation in the amount of \$13,677.87 for cabling required at the Carrefour Mall for the GMSD central office space.

Network Equipment – Germantown Municipal School District (GMSD) Central Office

Network equipment is necessary for the essential academic program and operational requirements to operate the GMSD. This is a contract with Presidio Networked Solutions, Inc. in the amount of \$22,398.60 for network and telephone equipment, installation and engineering services for the central office space for GMSD.

MOTION: To authorize the Mayor to enter into a contract with Presidio Networked Solutions, Inc. in the amount of \$22,398.60 for network and telephone equipment, installation and engineering services required at the Carrefour Mall for the GMSD central office space.

Communitywide Survey

The communitywide survey was developed by the City to determine public opinion on programs and services. The employee survey results have led to dramatic improvements in areas of concern. The agreement is with NuStats, LLC in an amount not to exceed \$16,950.00.

MOTION: To authorize the Mayor to enter into an agreement with NuStats, LLC in the amount of \$16,950.00 to conduct the Germantown community and employee surveys.

Desktop Computer Upgrades

This project will replace approximately 25% of the oldest computers and move the City toward a 4-year cycle to keep operating systems and hardware current.

MOTION: To approve the purchase of desktop computers from CDW Government in the amount of \$78,000.00, approve Budget Adjustment 14-32, and declare the replaced computers as surplus.

Asphalt Rejuvenation Contract

This is an annual street maintenance program and funding request for the annual pavement rejuvenation program. The contract is with Pavement Technology, Inc. for an amount not to exceed \$50,000.00.

MOTION: To contract with Pavement Technology, Inc. for the annual pavement rejuvenation program in an amount not to exceed \$50,000.00.

Board of Mayor and Aldermen

November 25, 2013

Page 6

Motion by Mr. Palazzolo, seconded by Mr. Janda, to accept the consent agenda as presented.

ROLL CALL: Marcom-yes, Palazzolo-yes, Owens -yes, Janda-yes. Motion approved.

ADJOURNMENT

There being no further business to be brought before the Board, the regular meeting was adjourned.

Sharon Goldsworthy, Mayor

Dotty Johnson, City Clerk/Recorder