

BOARD OF MAYOR AND ALDERMEN

August 25, 2014

A regular meeting of the Board of Mayor and Aldermen was held on Monday, August 25, 2014 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, John Drinnon, Mike Palazzolo, Forrest Owens and Rocky Janda. Staff present: Patrick Lawton, Debra Wiles, Chief Richard Hall, Chief John Selberg, Daniel Page, Bo Mills, Pam Beasley, Reynold Douglas, Cameron Ross, Butch Eder, Ralph Gabb, Stacey Ewell 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 John Drinnon led the Pledge of Allegiance.

Approval of Agenda

During the Executive Session the Board agreed to move to consent #12 – Civic Support – Germantown Arts Alliance Grant, #13 – Resolution 14R13 – TML Pool Safety Partners Matching Grant Program and #19 – Recognition of Revenue – Field Usage.

The Board agreed to move #15 – Warrant – Thornwood Phase 2, #16 – Warrant – Thornwood Phase 3, #17 – Ordinance 2014-10 – Western Gateway Rezoning and #18 – Ordinance 2014-11- Health Care/Medical Facility Office to after #8 – Citizens to be Heard.

Also, the Board agreed to defer #20a on the Consent Agenda – Fire Department purchase of Defibrillators.

Motion by Mr. Marcom, seconded by Mr. Drinnon, to approve the agenda (as amended).

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

Approval of Minutes

There was one correction to the minutes – under Citizens to be Heard, the first paragraph, third sentence the word *light* should be *life*.

Motion by Mr. Janda, seconded by Mr. Owens, to approve the minutes, as corrected, of the Board of Mayor and Aldermen meeting held August 11, 2014.

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

Beautification Business Award

Alderman Forrest Owens presented the Beautification Commission Business Award to Ms. Laura Warren the property manager who provides oversight to the grounds at the Forest Hill Shops located at the north west corner of Poplar Pike and Forest Hill/Irene.

Recognition of Tennessee Law Enforcement Accreditation

Police Chief Richard Hall introduced Tennessee Association of Chiefs of Police President David Moore and Executive Director Maggie Duncan. Mr. Moore congratulated Captain Jodi Whitfield and Chief Hall on achieving the Tennessee Law Enforcement Accreditation (TLEA). He explained that this is a voluntary program that recognizes the excellence and professional achievement in law enforcement

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agencies across the State of Tennessee. The time commitment involves up to a three year process and requires an in-depth review of every aspect of the department's organization, management, operations and administration.

Citizens to be Heard

Chris Vescovo – 234 Pandora St., Memphis, stated he was part owner of the liquor store across Poplar which is in Memphis and he was opposed to this store because of its proximity and felt the state would not approve the application.

Anis Kapadia, 2615 Forest Hill Irene Rd., was upset because a builder wants to run electrical power line from front of lawn and destroy aesthetic look and trees. He felt this would also impact the value of his home.

Warrant – Thornwood Phase 2

Alderman Greg Marcom recused himself from hearing this agenda item and left the dais.

Economic and Community Development Director Cameron Ross stated the definition of a warrant is an official decision that permits a practice that is not consistent with specific provisions of the Code, but is justified by its "intent" and is consistent with the urban design guidelines and/or development concepts in the "Germantown Smart Growth Plan".

Phase 2 of this project consists of a 5,000 square foot retail jewelry store building. The building will be 28 feet (2 stories) in height and have 25 parking spaces located to the east and south of the building.

Warrant 1 Motion:

Motion by Mr. Owens, seconded by Mr. Janda, to approve warrant number 1 that will allow parking within the second lot layer (between the front building line and a point 20 feet behind the front line).

ROLL CALL: Marcom-recused, Drinnon-no, Palazzolo-yes, Owens-yes, Janda -yes. Motion approved.

Warrant 2 Motion:

Motion by Mr. Owens, seconded by Mr. Janda, to approve warrant number 2 that will allow the building to have 40% (30.8ft.) of the principal frontage of the sidewalk-level story in glass.

ROLL CALL: Marcom-recused, Drinnon-no, Palazzolo-yes, Owens-yes, Janda -yes. Motion approved.

Warrant – Thornwood Phase 3

Alderman Greg Marcom recused himself from hearing this agenda item.

Mr. Ross explained that Phase 3 of the project consists of a 108 room, 4 story hotel. The developer has asked that 60% of the principal frontage of the sidewalk-level story be in dark tinted glass. Because of the western exposure and the heating effect, and the rooms facing Germantown Rd., the hotel would be served by privacy and quiet with the tinted glass.

Motion by Mr. Owens, seconded by Mr. Janda, to approve a warrant that will allow the building to have 60% of the principal frontage of the sidewalk-level story in dark tinted glass.

Alderman Owens stated as Planning Commission liaison, the commission had thoroughly discussed this project and they felt this was a significant economic development and this request being so small, they felt it was justified because of the western exposure and the privacy to the hotel patrons.

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

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Ordinance 2014-10 – Western Gateway Rezoning – First Reading

Alderman Greg Marcom recused himself from hearing this agenda item.

Mr. Ross stated on April 13 the Ordinance 2014-3, on third reading, was referred back to the Planning Commission based on concerns of adjacent residents and the impact of the development at full build-out. Planning staff and the commission met more than six times with the developer and the homeowners association, subcommittee meetings and multiple commission meetings to discuss acceptable buffering and building height covenants.

This plan identifies three development districts. The majority of Kirby Farms property and all property adjacent to Poplar Pike are to be rezoned to the T-5 District. The plan recommends the rezoning of most of the Westminster Townhomes property, the Bank of Bartlett property, the Medical office condos, most of the Carrefour shopping center and the Poplar Woods outparcel (Walker property) to the T-6 District.

Alderman Drinnon stated in his opinion, he did not think this development was good for Germantown.

Motion by Mr. Owens, seconded by Mr. Palazzolo, to approve on first reading Ordinance 2014-10, the rezoning of the properties within the Western Gateway Small Area Plan encompassing the properties located between Poplar and Poplar Pike between the eastern boundary of 6755 Poplar (Ray Gill property) and the western boundary of the City of Germantown, and set September 22, 2014 as the date of public hearing.

Alderman Owens stated he appreciated all the hard work the Planning Commission and staff had done in working with the developer and the neighbors. He stated this was an 18 month plan and all stake holders and the public were invited to the meetings.

ROLL CALL: Marcom-recused, Drinnon-no, Palazzolo-yes, Owens-yes, Janda -yes. Motion approved.

Ordinance 2014-11 – Health Care/Medical Facility Office – First Reading

Alderman Greg Marcom recused himself from hearing this agenda item.

Mr. Ross explained this amendment to the Zoning Ordinance would update and revise the definitions of “hospital” and similar land uses and revise the districts within which those uses are allowed. This will change the definition of “hospital” to be modified to better reflect the current trends in the provision of medical facilities that provide out-patient and in-patient treatment for medical and behavioral health conditions. The category of “Medical Services/Offices” will be added to the definition section and the list of Permitted Uses.

Motion by Mr. Owens, seconded by Mr. Palazzolo, to approve on first reading Ordinance 2014-11, which will amend the regulations in Section 23-2 of the City Code on definitions and use regulations, and set September 22, 2014 as the public hearing date.

ROLL CALL: Marcom-recused, Drinnon-no, Palazzolo-yes, Owens-yes, Janda -yes. Motion approved.

Certificate of Compliance – Doc’s Wines and Spirits

City Administrator Patrick Lawton stated the City had received an application for a retail package store permit for “Doc’s Wine and Spirits” to be located at 6645 Poplar Avenue, Suite 101. Mr. Lawton explained that the City’s role in approval of liquor store application is the completion of the Certificate of Compliance to be filed with the State of Tennessee.

Our consideration of the Certificate of Compliance consists of a criminal background check of the applicant completed by the Germantown Police Department. Based on our review, there is no record regarding this applicant.

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In response to a question from Alderman Owens regarding the distance the residential area, Mr. Ross stated he would like to defer this item until he could verify the distance.

Motion by Mr. Owens, seconded by Mr. Marcom, to defer this agenda item until the next meeting

ROLL CALL: Marcom-yes, Drinnon-yes, Palazzolo-yes, Owens-yes, Janda -no. Motion approved.

Certificate of Compliance – Cork’s Wines and Spirits

Mr. Lawton stated this retail liquor store is to be located at 3078 Village Shops Drive. He stated that owners had completed the necessary City retail liquor license application and paid the required processing fee. The Germantown Police Department had found no criminal records or active warrants to discredit the applicant.

Motion by Mr. Owens, seconded by Mr. Palazzolo, to issue a Certificate of Compliance to Bradley Cross for a retail liquor store located at 3078 Village Shops Drive.

ROLL CALL: Marcom-yes, Drinnon-no, Palazzolo-yes, Owens-yes, Janda -yes. Motion approved.

Ordinance 2014-9 – Increase Salary of City Judges – Third and Final Reading

Mr. Lawton explained that this was the final reading on this ordinance that would increase the salary of the City Judges from \$30,000.00 to \$35,000.00 effective September 1, 2014 and from \$35,000.00 to \$40,000.00 effective August 1, 2018. The Code of Ordinances establishes a judicial department within our city. Our judges are elected for eight-year terms by the registered voters in Germantown and hear state cases and local ordinance violations.

Motion by Mr. Drinnon, seconded by Mr. Marcom, to approve Ordinance 2014-9 on third reading, an ordinance to increase salary of City judges.

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

Civic Support - Germantown Arts Alliance Grant – Moved to Consent

Resolution 14R13 – TML Pool Safety Partners Matching Grant Program - Moved to Consent

Professional Services Agreement – Animal Shelter Expansion – Phase II

Public Works Director Bo Mills explained that this was Phase II of the Animal Shelter Renovation and Expansion and will include a field survey. The process includes design, site modifications and modifications to meet ADA access requirements. The design will include engineering, technical specifications and construction documents for a 176 square foot training room, renovation of the existing dog runs and kennels, new floor, wall and ceiling finishes and roof, gutter and fascia board replacements. Electrical modifications to the panel and power source are included as well as a sanitary sewer design for the outside runs to comply with code.

Mr. Mills stated that Barge, Waggoner, Sumner and Cannon, Inc. had the contract for Phase I and had extensive knowledge of the needs associated with Phase II as they performed the design work on Phase I. Because of this familiarity, staff negotiated this contract with the firm.

Motion by Mr. Palazzolo, seconded by Mr. Marcom, to authorize the Mayor to enter into a professional services agreement with Barge, Waggoner, Sumner and Cannon, Inc. in the amount of \$42,150.00 for engineering and design services for the Germantown Animal Shelter Expansion Phase II.

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

Recognition of Revenue – Field Usage – Moved to Consent

CONSENT

Fire Department Purchase of Defibrillators - Deferred

Purchase – Bulk Asphalt

This is a bulk purchase for 2,500 tons of 411D hot asphalt mix to be used primarily for street maintenance repairs, temporary pothole repairs, utility cuts, parks and grounds trail repairs and storm water maintenance projects. The two low bids were from Standard Construction Company, Inc. and Lehman Roberts.

MOTION: To approve the purchase of 1,000 tons of 411D hot asphalt mix from Standard Construction Company, Inc. in the amount of \$60,500.00 and 1,500 tons of 411D hot asphalt mix from Lehman Roberts in the amount of \$85,500.00 for a total of \$146,000.00.

Purchase – Bulk Concrete

This is for 500 cubic yards of concrete mix from Memphis Ready Mix to be used primarily for street maintenance repairs, utility cuts, curb, gutter and water table repairs and storm water maintenance projects.

MOTION: To approve the purchase of 500 cubic yards of concrete mix in the amount of \$44,500.00 from Memphis Ready Mix.

Purchase – Bulk Water Treatment Chemicals

Water treatments chemicals are purchased as needed from local vendors for the purpose of providing quality potable water to the City customers per State of Tennessee requirements.

MOTION: To approve the purchase of water treatment chemicals in the combined total amount not to exceed \$75,000.00 per the selected unit prices from Brenntag Mid-South and Ideal Chemical.

Annual Ammunition Purchase

This is the annual purchase of ammunition for the State required firearms qualifications, duty ammunition and training ammunition.

MOTION: To approve the purchase of ammunition from Craig's Firearm Supply and Gulf States Distributors Inc. in the amount of \$38,372.70.

Donations – Germantown Community Library

The Board is asked to approve a donation of \$1,000.00 from Kappa Kappa Gamma Fraternity to be used to enhance programs for children and youth.

MOTION: To recognize the Kappa Kappa Gamma donation made to the Germantown Community Library in the amount of \$1,000.00 and to approve Budget Adjustment No. 15-06.

Civic Support - Germantown Arts Alliance Grant – Moved from Reg. Agenda

Germantown Arts Alliance (GAA) relies solely on state and local governmental support as well as that of local citizens. The funds requested from the City of Germantown go entirely toward grants to Germantown schools and arts organizations in the city.

MOTION: To award a grant to the Germantown Arts Alliance in the amount of \$40,000.00.

Resolution 14R13–TML Pool Safety Partners Matching Grant Program - Moved from Reg. Agenda

The City’s safety committee has recommended continued participation in this grant program. The City is committed to providing a safe workplace with equipment, training and educational opportunities that ensures the personal safety of our employees.

MOTION: To approve Resolution 14R13, allowing for the City’s participation in the TML Risk Management Pool “Safety Partners” Loss Control Matching Grant Program for FY15.

Recognition of Revenue – Field Usage – Moved from Reg. Agenda

A check for \$9,390.00 has been received from the Shelby County Schools to cover the use of certain City-owned park facilities. The agreement for the use of the fields was for one year. The field use includes fall baseball practice/conditioning, Germantown High School girl’s soccer games and practices, in addition to Germantown High School marching band.

MOTION: To accept the payment from the Shelby County Schools for use of the fields in the amount of \$9,390.00.

Motion by Mr. Drinnon, seconded by Mr. Owens, to accept the Consent Agenda as amended.

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

Alderman Marcom congratulated Poplar Estates Homeowners Association on their picnic and the celebration of their 50th Anniversary.

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