

BOARD OF MAYOR AND ALDERMEN

September 22, 2014

A regular meeting of the Board of Mayor and Aldermen was held on Monday, September 22, 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, Mike Palazzolo, Forrest Owens and Rocky Janda. Alderman Drinnon was absent. Staff present: Patrick Lawton, Debra Wiles, Chief Richard Hall, Chief John Selberg, Daniel Page, Bo Mills, Reynold Douglas, Cameron Ross, Wade Morgan, Tim Gwaltney, Susan Hopson, 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

Parks and Recreation Director Pam Beasley gave the invocation.

Pledge of Allegiance

Alderman Forrest Owens led the Pledge of Allegiance.

Approval of Agenda

During the Executive Session, the Board unanimously agreed to move number 13 – Germantown Community Theatre Grant to just after Citizens to be Heard.

Motion by Mr. Janda, seconded by Mr. Palazzolo, to approve the agenda (as amended).

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

Approval of Minutes

There were no corrections or additions to the minutes.

Motion by Mr. Janda, seconded by Mr. Marcom, to approve the minutes of the Board of Mayor and Aldermen meeting held September 8, 2014.

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

Citizens to be Heard

Gary Smith, 1770 Great Oaks Cove, spoke on behalf of Poplar Estates Homeowners Association. The Association was concerned about the traffic situation on Great Oaks with the speeding and congestion. He felt the values of the homes were going down because of the traffic, speeding and trash pickup on the roads. He asked that the City lower the speed limits in all the neighborhoods to 25 mph.

Sarah Freeman, 7684 Apahon Lane, felt the office of the City Administrator had broken the City's Code of Ethical Conduct because of the action the City Administrator had taken in the upcoming election, his political bias and the article that was in the recent newspaper.

Mayor Goldsworthy reminded Mrs. Freeman that Citizens to be Heard was to be used for public comment on the City's services and not to be used as a forum to attack or denigrate the services of anyone.

Hershel Freeman, 7684 Apahon Lane, continued to speak regarding what he considered the City Administrator's unethical conduct.

Sherry Hicks, 2040 Spring Hollow Lane, expressed her appreciation to the City and the Board for the attention and support given to the flood zone problems and Lateral G.

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Chris Abernathy, 8796 Featherleigh Lane, was concerned with the noise created by the leaf blowers and expressed the desire to revise the code to regulate the noise levels.

Walker Taylor, 6805 Chelsea Lane, stated the plan to create an over ramp from Old Germantown Road and tear down some of the old historical structures would open the City's major roadway to crime and even more traffic. He stated this would open the roadway from Winchester to Bartlett and expressed his desire to leave Old Germantown as it is because opening a roadway would not benefit Germantown citizens.

Germantown Community Theatre Grant

Pam Beasley introduced Dr. Michael Miles, Executive Director for the Germantown Community Theatre (GCT), and his Artistic Director. Ms. Beasley explained that this was an agreement for the FY15 budget year between the City and the GCT for a payment of \$56,554.00. The Parks and Recreation Department had included in its budget for FY15 a \$45,000 grant to provide youth theatre programming to the Germantown community.

Mr. Lawton stated GCT had recently approached the administration seeking an additional \$11,554.00 for building improvements to the theatre. The improvements will include street signage, stage, lobby space and rehearsal hall. The total request is for \$56,554.00 which includes the grant funding along with the additional capital work to be done.

Dr. Miles made a brief report to the Board and thanked the Board for their support. He described some of the services and programs the theatre will be developing during the year.

Mayor Goldsworthy acknowledged the GCT Board members present.

Motion by Mr. Janda, seconded by Mr. Marcom, to authorize the Mayor to execute an agreement for the FY15 Budget year between the City of Germantown and the Germantown Community Theatre and to authorize the budgeted payment of \$56,554.00 for this purpose and to approve Budget Adjustment No. 15-10.

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

The Mayor recessed the Board and convened as the Beer Board.

BEER BOARD

Public Hearing – Beer Permit – Forest Hill-Irene Exxon

Mr. Lawton stated that Mr. Aziz Khetani, the new owner of the Forest Hill-Irene Exxon located at 9100 Poplar, is requesting a permit to sell beer for off-premise consumption. The police background check had been done and the application is in compliance with the City's Code.

Mayor Goldsworthy opened the public hearing. Having no one come forward, the public hearing was closed.

Motion by Mr. Marcom, seconded by Mr. Owens, to approve the request from Aziz Khetani, owner of Forest Hill-Irene Exxon, for a permit to sell beer for off-premise consumption.

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

Mayor Goldsworthy closed the Beer Board and reconvened as the Board of Mayor and Aldermen.

BOARD OF MAYOR AND ALDERMEN

Alderman Marcom recused himself from hearing the next three agenda items and left the dais.

Resolution 14R16 – Outline Plan – Campbell Clinic

Economic & Community Development Director Cameron Ross came forward and described the outline plan for the Campbell Clinic Expansion. Campbell Clinic proposes a new 120,000 sq. ft. medical office building that will front on Wolf River Blvd. The outline plan will approve the general location of the building; an exception to allow a 62 foot tall, 4-story building where the O51 District permits a maximum height of 51 ft. and 3 stories; an exception to allow 861 parking spaces where the standard requirement is 93 spaces; an exception to allow 24% permeable surface where the standard policy is 35% and to allow the lake within Nashoba Park to serve as the storm-water detention area.

Mr. Harvey Marcom of the Reaves Firm came forward and explained that Homewood Suites had agreed in writing to share parking spaces 24/7 but mostly during the day.

In response to a question from Alderman Palazzolo regarding the detention pond, Mr. Ross stated they had made an effort to retain some of the stormwater on site so that the detention pond across Wolf River Blvd. is the avenue of last resort for storm-water. They are entertaining the idea of an underground detention feature on site so that it flows over after the charge.

A discussion followed on the traffic flow and the major intersection problems. Alderman Palazzolo recommended that an internal study be done as build out continues.

Motion by Mr. Owens, seconded by Mr. Palazzolo, to approve the Campbell Clinic Expansion Planned Unit Development outline plan.

Alderman Owens stated as alderman liaison to the Planning Commission they had studied this plan at considerable length. He felt the area is ripe for development and we need higher density in these central nodes. For this reason he stated he would be voting yes. He also thanked Campbell Clinic for continuing to invest in our city.

Alderman Palazzolo stated he would also be voting affirmative. He felt the site plan was well executed and good planning.

Alderman Janda stated he was in agreement with the other aldermen and would be voting yes.

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

Public Hearing – Ordinance 2014-10 – Western Gateway Rezoning – Second Reading

Mr. Ross stated this was the second reading on this agenda item. This plan encompasses all 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.

Mr. Ross explained as redevelopment of the properties occurs, it is critical to provide for appropriate transitions, particularly between higher density, multi-story developments and lower density, single family residential neighborhoods to ensure that new commercial and/or mixed use buildings are good neighbors. An important transition is the space between the Kirby Farm site and the existing Nottoway neighborhood. The plan recommends, and the proposed zoning district implements, a 50 foot setback from the property line adjacent to the neighborhood on the Kirby Farm site, with a planted vegetation buffer to shield any light from parking lots or structures and higher density development. Also, the plan recommends a 3-story, or approximately 35 foot, maximum building height within 150 feet of the property line so new development does not cast shadows over nearby homes.

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Mr. Ross assured Alderman Janda that all warrants will come before the Board. Once the Board approves the zoning, the Smart Growth Sub Committee which is comprised of the Planning Commission, the Design Review Commission and members of the Economic Development Commission, will all review the project and make sure it meets the letter and intent of the Smart Code and the vision plans for the area. Warrants will be considered by the Planning Commission but must come to the BMA for approval. Warrants are variances within the Smart Code.

Mayor Goldsworthy opened the public hearing.

Hunter Humphreys, 6000 Poplar Ave., representing Nottoway homeowners, stated the Nottoway homeowners were willing to live with and work with the compromised results. He thanked the Board, Cameron Ross, staff and the Planning Commission for their hard work.

Gary Smith, 1770 Great Oaks Cove, representing Poplar Estates and Kirby Hills neighbors, stated the residents were concerned with the drainage problems that are already affecting them. They were afraid with the new development, there would be more problems.

Walker Taylor of 6805 Cheshire was concerned with the buildings towering over the homes in his area of Nottoway and he felt six stories was too high. He asked for a limit of three stories.

Having no other citizen come forward, the public hearing was closed.

Motion by Mr. Owens, seconded by Mr. Palazzolo, to approve on second 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.

In response to a question from Alderman Owens, Tim Gwaltney stated the guidelines of post development must not exceed pre-development runoff.

Mr. Owens stated he would be voting yes because this had been a two year process and he was never more certain that this was the type of plan that the City needs for its long-term fiscal sustainability. He stated that if we want to rely less on the residential tax base, this is the type of plan we need.

Alderman Janda stated he also would be voting yes for the same reasons.

Alderman Palazzolo stated he agreed with Alderman Owens and would be voting yes. He complimented the neighbors for working out a solution that could be accepted by both parties.

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

Public Hearing – Ordinance 2014-11 – Health Care/Medical Facility Office – Second Reading

Mr. Ross explained that this ordinance amendment will update and revise the definitions of “hospital” and similar land uses and revise the districts within which those uses are allowed. Staff proposes that the definition of “hospital” 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.

Mr. Ross read the classification of hospital and its definition.

Mayor Goldsworthy opened the public hearing. Having no citizen come forward, the public hearing was closed.

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Motion by Mr. Owens, seconded by Mr. Palazzolo, to approve on second reading Ordinance 2014-11, which will amend the regulations in Section 23-2 of the City Code on definitions and use regulations.

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

Alderman Marcom returned to the dais.

Ordinance 2014-12 – Amendment to Zoning Code – Funeral Chapel

Mr. Ross stated this amendment was because our present code does not allow for funeral chapels or any other funeral services. It was decided to amend the zoning regulations to add the definitions of “Funeral Chapel:” and to revise the district within which that use is allowed. There is an interest in this use in commercial areas to serve the Germantown market locally rather than in other municipalities. The “Chapel” allows for the services to take place, the sales, showroom, scheduling and other things that go along with putting together a funeral service.

Motion by Mr. Owens, seconded by Mr. Palazzolo, to approve on first reading Ordinance 2014-12, which will amend the regulations in Section 23-2 of the City Code on definitions and use regulations, and set October 13, 2014 as the public hearing date.

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

Lobbying Services Agreement

Mr. Lawton stated that Administration had been very pleased with the efforts of the Farris Bobango and Branam Law Firm in representing Germantown’s interests as well as monitoring specific bills and legislative proposals. Mr. John Farris, a senior partner in the firm, and his staff have worked with the City for the past eight years. During the legislative session the administration and Mr. Farris will confer on those legislative issues where the City needs to focus its time and attention in order to fully understand the impact these bills could have on the City. This lobbying services agreement will begin October 1, 2014 and end June 30, 2015 in the amount of \$42,000.00.

Motion by Mr. Palazzolo, seconded by Mr. Janda, to authorize the Mayor to execute a lobbying services agreement with Farris Bobango Branam PLC Attorneys at Law for lobbying services on behalf of the City of Germantown beginning October 1, 2014 and ending June 30, 2015 in the amount of \$42,000.00.

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

Germantown Community Theatre Grant – Moved to after Citizens to be Heard

CONSENT

Donation – Campbell Clinic – Parks and Recreation

Mr. Lawton stated that Campbell Clinic has generously contributed \$3,000.00 for the Small Fry Triathlon Special Event. The Recreation Division of Parks and Recreation coordinates and promotes this preschool triathlon for youngsters 2 to 6 years old.

Mr. George Hernandez came forward and thanked the City for being able to participate and support this special event for the children.

Motion by Mr. Marcom, seconded by Mr. Palazzolo, to accept the donation in the amount of \$3,000.00 to support the 5th Annual Small Fry Triathlon and to approve Budget Adjustment No. 15-09.

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

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Remarks

Alderman Janda stated, in view of the verbal attack on the City Administrator and issues coming out of the community on our current city leadership, he could not sit idle. He felt Mr. Lawton was a very trustworthy and kind person who he would hire in a heartbeat. He stated Mr. Lawton had the same right as any citizen to free speech. If Mr. Lawton wanted to put a sign in his yard, that was his right.

Alderman Janda listed some of the many accomplishments the City had made with Mr. Lawton in charge. He apologized to Mr. Lawton for the negativity being voiced against him.

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