

BOARD OF MAYOR AND ALDERMEN

February 13, 2017

The regular meeting of the Board of Mayor and Aldermen was held on Monday, February 13, at 6 p.m. in the Council Chambers of 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: Pam Beasley, Michele Betty, Paul Chandler, Reynold Douglas, Butch Eder, Tony Fischer, Richard Hall, David Harris, Lisa Marinos, Patrick Lawton, Bo Mills, Joe Nunes, Lisa Piefer, Phil Rogers, Cameron Ross, John Selberg, Paul Turner and Steve Wilensky.

Call To Order

The Mayor called the meeting to order.

Invocation

Pam Beasley gave the invocation.

Pledge of Allegiance

Scout Troop 270, located at Germantown Presbyterian Church, led the Pledge of Allegiance.

Approval of Agenda

During the executive session, the Board unanimously agreed to approve the agenda as written.

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 was discussion regarding the content and process of recording the minutes of the Board of Mayor and Aldermen regular meeting held January 23, 2017. Mayor Palazzolo asked that amendments be supplied in writing to clerk.

Alderman Barzizza submitted in writing the following prepared statement to be added to the minutes.

When discussion points made in session of the BMA by the aldermen that may be construed by Mr. Patrick Lawton as too negative to the administration and omitted in the written minutes, I feel that by not placing in the minutes those comments during the BMA constitutes a conspiracy to squash the narrative and hide the comments made in public forum. This is certainly not keeping in the true meaning of transparency in our City government.

To say that the video is the public record as the Mayor has stated in executive session many months ago makes no sense. The minutes of the BMA are the written record, not the video that can be lost in the event of a computer malfunction.

I offer these comments to be included as public record in the minutes of the meeting of the Board of Mayor and Aldermen, February 13, 2017 as a result of the comments of Alderman Massey and myself regarding the selection of the person the Mayor has selected to be on the Industrial Development Board at the BMA on January 23, 2017.

Alderman Janda submitted in writing the following to be included in the February 13, 2017 minutes.

Alderman Janda asked the city clerk if Patrick Lawton has anything to do with the minutes that are printed. The city clerk responded no, he does not. Alderman Janda stated that Alderman Barzizza's comments were inappropriate in his thinking.

Alderman Gibson submitted in writing the following amendment to be included in the January 23, 2017 minutes.

Alderman Massey and Barzizza strenuously objected to both the nominee and to the nomination process.

Alderman Massey submitted in writing the following amendment to be included in January 23, 2017 minutes.

I would like for the minutes to reflect my comments pertaining to Mr. Klevan and the IDB verbatim. If the minutes reflect a summary of actions taken, then the clerk could have similarly recorded that the Mayor nominated Dave Klevan and Alderman Massey and Barzizza opposed the nomination. Instead, the clerk recorded virtually all the comments by the Mayor and the City Attorney in favor of the nomination.

The approval of the minutes was deferred to the February 27, 2017 meeting.

Special Recognition

Germantown Education Commission Teacher of the Month, February 2017

The February 2017 Teacher of the Month award was presented to Ms. Doreen Penrod, German teacher and Foreign Language Department Chair at Houston High School.

Germantown Education Commission Youth Excellence Award, February 2017

The February 2017 Youth Excellence Award was presented to Patrick Gardner, a senior at Houston High School.

GPAC Guild

The Guild was publically recognized and extended a sincere appreciation for their efforts and leadership. For over 21 years, the Guild has supported GPAC and several arts organizations in the region. This tireless force of volunteers has been an important part of the success of GPAC.

Alderman Liaison Reports

The Aldermen reported on their commission activities.

Citizens to be Heard

Mr. Scott Sanders, 2009 Prestwick Drive, 38139, came forward regarding Board action at the January 23 meeting regarding the professional services agreement supplement for Lateral G and Allenby Lakes stream restoration project, City Charter and code, and opportunities to bid on city projects.

Mr. John McNary, 2361 McVay Cove, 38138, came forward to share his concerns about traffic and pedestrian safety, condition of roads and retention basin and water management in regard to the Allelon subdivision development.

Mr. William Flanigan, 7122 Rico Grove, 38138, came forward to share his concerns about the retention basin and water management, mosquito control, ditches and drainage in regard to the Allelon subdivision development.

The Board of Mayor and Aldermen adjourned and reconvened as the Beer Board.

BEER BOARD

Public Hearing – Beer Permit – On Premise – Malco Theatres, Inc.

The City received a request from Larry Etter for a permit to sell beer for on-premise consumption at Malco Theatres, Inc. Forest Hill Cinema 8, located at 3180 Village Shops Drive.

Mayor Palazzolo opened the floor for the public hearing.
Having no one come forward, Mayor Palazzolo closed the public hearing.

Motion by Mr. Barzizza, seconded by Mr. Owens, to approve the request of Larry Etter for a permit to sell beer for on-premise consumption at Malco Theatres, Inc., Forest Hill Cinema 8, located at 3180 Village Shops Drive.

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

The Beer Board adjourned and reconvened as the Board of Mayor and Aldermen.

CONSENT

Donations – Germantown Community Library

Donations were made to the Library in the amount of \$1,405.00 and to the Germantown Regional History and Genealogy Center in the amount of \$50.00.

MOTION: To approve donations of \$1,405.00 to the Germantown Community Library and a donation of \$50.00 to the Germantown Regional History and Genealogy Center and to approve Budget Adjustment 17-44.

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

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

Development Agreement - Allelon Subdivision

Mr. Ross stated this project will include the construction and development of 50 residential lots. The majority of the property was annexed into Germantown in 1969. A portion of the property at the northwest corner of the site, along McVay Road was annexed in 1955. On September 6, 2016 the Planning Commission approved the site plans with the following subdivision variance: Variance request waiver of road improvements along the portion of McVay Road within Germantown City limits.

Motion by Forrest Owens, seconded Mr. Janda, to approve Project Development Contract 511 for Allelon Residential Subdivision.

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

Development Agreement - Farm & Fries

This project will include the construction of a 2,639 square foot restaurant in Old Germantown. The applicant has requested that the contract be entered into between the City and MW Ventures, LLC, which is an entity having the same ownership interest as Farm & Fries, LLC.

The property was rezoned from Residential to “OG” Old Germantown with the passage of Ordinance No. 1990-15. At the request of Farm & Fries, LLC, on July 26, 2016, the DRC approved a change of use on this

property from residential use to restaurant use.

On January 23, 2017 Farm & Fries, LLC conveyed the real property to MW Ventures, LLC. The ownership of MW Ventures, LLC is comprised of Mark and Marie Waugh which is the same ownership interest of Farm & Fries, LLC.

Motion by Ms. Gibson, seconded by Mr. Owens, to approve Project Development Contract 1217 for Farm & Fries Restaurant.

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

Election to Fill Vacancy on the City of Germantown Industrial Development Board

During the BMA meeting on January 23, 2017, Mayor Palazzolo nominated Mr. Dave Klevan to fill the current vacancy on the IDB.

Based on comments by Alderman Massey, Alderman Janda asked if this information disqualifies the other citizen who applied for the Industrial Development Board.

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

ROLL CALL: Barzizza-yes, Gibson-yes, Massey-yes, Owens-yes, Janda-yes. Question called.

Motion by Mr. Janda, seconded by Ms. Gibson, to elect Mr. Dave Klevan to serve on the Board of Directors of the City of Germantown Industrial Development Board until December 31, 2017.

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

Meeting Adjourned.

Mike Palazzolo, Mayor

Michele Betty, City Clerk/Recorder