

BOARD OF MAYOR AND ALDERMEN

March 27, 2017

The regular meeting of the Board of Mayor and Aldermen was held on Monday, March 27, 2017, 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, Tim Gwaltney, Richard Hall, David Harris, Patrick Lawton, Lisa Marinos, Bo Mills, Lisa Piefer, Cameron Ross, John Selberg, Paul Turner and Steve Wilensky.

Call To Order

The Mayor called the meeting to order.

Invocation

Bo Mills gave the invocation.

Pledge of Allegiance

Vice Mayor Gibson led the Pledge of Allegiance.

Approval of Agenda

During the executive session, the Board unanimously agreed to move to the Consent Agenda #13 – Design Supplement No. 1 Germantown Streetscape.

Motion by Mr. Janda, seconded by Mr. Barzizza, 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 minutes.

Motion by Mr. Janda, seconded by Ms. Gibson, to approve the minutes of the Board of Mayor and Aldermen meeting held March 13, 2017.

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

Special Recognition

Germantown Education Commission Teacher of the Month, March 2017

The award was presented to Mrs. Jennifer Mock, Librarian at Farmington Elementary.

Germantown Education Commission Youth Excellence Award, March 2017

The award was presented to Mr. Josh Groover, a senior at Houston High School.

Alderman Liaison Reports

The Aldermen reported on their commission activities.

Citizens to be Heard

Mr. Jim Jacobs, 7684 Apple Valley Road, stated it is his understanding that the Smart Growth overlay was to improve the sense of an urban center and “walkability”. He stated it is not possible for citizens living north of

Neshoba to walk to the Library, GPAC or the Athletic Club without leaving the sidewalk. He understood the T4 zone was to provide transition between residential areas and the urban center. He stated changes have taken place allowing much more commercial development and the possible sale of alcohol directly across from neighborhoods and churches.

Ms. Sarah Wilkerson Freeman, 7884 Apahon Lane, came forward to express her concerns about the 2016 amendments to the alcohol and Smart Code ordinances. She requested the Board pass a motion to nullify Ordinance 2016-10 based on lack of disclosure. She requested that staff meet with the Neshoba North Neighborhood Association to discuss alcohol sales in T4 zones before considering another amendment.

The Mayor adjourned the regular Board meeting and reconvened as a Beer Board. Vice Mayor Gibson and Alderman Janda recused themselves from the dais as they both serve on the Leadership Germantown Board.

BEER BOARD

Public Hearing – Temporary Beer Permit – On Premise – Leadership Germantown Trivia Night

Ms. Moya Fulbright-Dent, Program Coordinator of Leadership Germantown, requested a temporary beer permit for their Trivia Night 2017 fundraiser. The Board of Leadership Germantown plans to sell beer and wine during their trivia night event, scheduled to begin at 6 p.m. and end at 10:30 p.m. The Alcohol Beverage Commission previously approved their wine permit. The profits will be used for the benefit of the 501(c)3 organization.

Mayor Palazzolo called for citizens to come forward to speak for or against the temporary beer permit. No citizens came forward.

Motion by Mr. Owens, seconded by Mr. Barzizza, to approve a temporary beer permit allowing the sale of beer on publicly owned property at the Great Hall & Conference Center on Saturday, April 1, 2017.

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

Vice Mayor Gibson and Alderman Janda returned to the dais.

Public Hearing – Beer Permit - On Premise/Off Premise – Whole Foods Market Inc.

The City received a request from Rachelle Beauvais, Manager of Whole Foods Market Germantown, for a permit to sell beer for on and off-premise consumption at Whole Foods Market Germantown - 7825 US Highway 72.

Mayor Palazzolo called for citizens to come forward to speak for or against the beer permit. No citizens came forward.

Motion by Mr. Owens, seconded by Mr. Janda, to approve the request of Rachelle Beauvais for a permit to sell beer for on- and off-premise consumption at Whole Foods Market Germantown – 7825 US Highway 72.

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

The Mayor adjourned the Beer Board and reconvened the regular Board meeting.

CONSENT

Donation - Parks and Recreation

The Parks and Recreation Department has received a \$1,000.00 donation from the Germantown Woman's Club to support the special needs recreation programs. The Germantown Woman's Club has requested that \$500.00 of the donation be allocated to support the spring prom event and the other \$500.00 be used for special needs enrichment classes. The high quality of these activities would not be possible without the support and generosity of this Germantown service organization.

MOTION: To recognize the \$1,000.00 donation made to the Parks and Recreation Department from the Germantown Woman's Club to support the special needs recreation programs and to approve Budget Adjustment No. 17-61.

Design Supplement No. 1 – Germantown Streetscape

A streetscape design manual and complete streets policy for the central business district (CBD) and Old Germantown (OG) will address the issues of a creating a better identity and sense of place for these areas of the City and define a cohesive common set of characteristics. The documents will directly address the area's unique characteristics and issues with solutions tailored to the area. The Old Germantown area of the city has long been referred to as the heart of Germantown; however, over the years the character has become secondary to the destinations and does not allow for a comfortable pedestrian environment or real sense of place. The second phase of this work will be to develop recommendations and subsequent design plans for the OG district to enhance this area. This work has been completed through phase 1 of the original scope; however, a scope adjustment was suggested before moving forward with phase 2 after presenting the completed plans to the Board of Mayor and Aldermen at their retreat on February 10, 2017.

MOTION: To approve the revised scope with Alta Planning and Design for professional services for the development of the CBD Streetscape Design Manual, Complete Streets Policy and construction documents for Old Germantown Phase II.

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

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

REGULAR

Contract – Asphalt Milling and Paving

Mr. Mills stated the Public Works Department has a proactive preventive street maintenance program that was established over 26 years ago to annually grade, evaluate and schedule the candidate streets throughout the city for milling and/or pavement resurfacing. The objective is to prepare and resurface approximately ten miles annually.

Motion by Ms. Gibson, seconded by Mr. Janda, to authorize the Mayor to enter into a contract with Standard Construction Company in an amount not to exceed \$1,400,000.00, for the FY17 Annual Milling and Paving Contract.

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

Ordinance No. 2017-6: Amending Chapter 3, Article IV (Manufacture, Sale, Storage, Transportation and Distribution of Alcoholic Beverages) of Germantown Code of Ordinances, First Reading, and to set April 24, 2017 as the Public Hearing Date

Mr. Harris stated the proposed revisions to the City's Alcoholic Beverages Ordinance clarify restrictions on the locations of wholesale and retail alcohol selling establishments. On November 28, 2016, the Board passed a number of amendments to the City's Alcoholic Beverages Ordinance. Included in those amendments were changes to Section 3-114, which restricts the sale of alcoholic beverages near churches, schools, other public institutions and residential property. The language of Section 3-114 was changed to align with similar restrictions regarding beer selling establishments found in Section 3-81(b)(1). These revisions removed Section 3-114's restriction on the sale of alcoholic beverages within 200 feet of any residential zoned property. However, it does not appear that the Board's intent was to remove this 200 feet restriction as it applies to Wholesalers and Retailers (liquor stores). Therefore, the proposed amendment to Section 3-114 reasserts the 200 feet restriction for Wholesalers and Retailers.

In addition, the November 28, 2016 amendments made changes to Section 3-116 by including additional zoning districts in which wholesale or retail establishments may be located. These additions were made to accommodate the change in State law to allow Retail Food Stores (grocery stores) to sell wine. In making these additions; however, the ordinance did not distinguish between Retail Food Stores and Retailers. Accordingly, the proposed amendments to Section 3-116 clarify the zoning districts in which Retailers and Wholesalers may be located and the zoning districts in which Retail Food Stores may sell wine.

Motion by Mr. Owens, seconded by Mr. Janda, to approve Ordinance 2017-6, amending the City of Germantown Alcoholic Beverages Ordinance, first reading, and to set April 24, 2017, as the public hearing date to consider this ordinance amendment.

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

Location Approval – Wireless Transmission Facility – 7205 Wolf River Boulevard

Mr. Ross stated this agenda item is to approve the location of two new small cell antennas for Verizon Wireless to be installed on the rooftop of an existing medical office building, located at 7205 Wolf River Blvd. The zoning ordinance allows the use of major and/or collector street, per the city major road plan, for wireless transmission facilities, in commercial districts to be approved via a streamlined approval process that includes a review by the Department of Community Development staff to insure that all ordinances and technical requirements have been met with final approval by the Board of Mayor and Aldermen. This site meets the requirement for the administrative review process.

Motion by Mr. Barzizza, seconded by Ms. Gibson, to approve the request allowing the addition of two new small cell antennas and associated equipment for Verizon Wireless to be located on the existing rooftop of an existing medical office building, located at 7205 Wolf River Blvd.

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

Meeting adjourned.