

BOARD OF MAYOR AND ALDERMEN

April 24, 2017

The regular meeting of the Board of Mayor and Aldermen was held on Monday, April 10, 2017, at 6:10 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, Patrick Lawton, Daniel Page, Lisa Piefer, Cameron Ross, John Selberg, Paul Turner and Steve Wilensky.

Call To Order

The Mayor called the meeting to order.

Invocation

Tony Fischer gave the invocation.

Pledge of Allegiance

Alderman Owens led the Pledge of Allegiance.

Approval of Agenda

Mayor Palazzolo called for a motion to approve the evening's agenda.

Alderman Massey stated he would like the Board to consider allowing aldermen to respond to comments during Citizens to be Heard.

Motion by Mr. Massey, seconded by Mr. Barzizza, to amend the motion to allow citizens to be engaged during Citizens to be Heard.

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

Alderman Massey stated he would like the Executive Sessions to be recorded.

Motion by Mr. Massey, seconded by Mr. Owens, to consider, at the May 8, 2017 Board of Mayor and Aldermen meeting, a motion to record the Executive Session of the Board of Mayor and Aldermen meetings.

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

Alderman Massey stated he would like to discuss the Mayor's authority to serve on the school board's negotiating team.

Motion by Mr. Massey, seconded by John Barzizza, to add to the agenda whether or not the mayor has approval to serve on the school board's negotiating team regarding the heritage schools.

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

Motion by Mr. Janda, seconded by Ms. Gibson, to approve the agenda as presented.

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 Mr. Owens, to approve the minutes of the Board of Mayor and Aldermen meeting held April 10, 2017.

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

Special Recognition

Germantown Education Commission Teacher of the Month, May 2017

Vice Mayor Gibson presented the May 2017 Teacher of the Month award to Mr. Clay Davis, an Algebra teacher at Germantown High School.

Germantown Education Commission Youth Excellence Award, May 2017

Vice Mayor Gibson presented the May 2017 Youth Excellence Award to Ms. Amelia Baran, a senior at Houston High School.

Beautification Business Award

Vice Mayor Gibson presented the April Beautification Commission Business Award to The Shops of Saddle Creek, located at 7509 Poplar Avenue.

Executive Fire Officer

Chief Selberg asked Fire Administrative Chief Keith Saunders to come forward to be recognized for his completion of the Executive Fire Officer (EFO) Program through the National Fire Academy in Emmitsburg, MD. The program is the academy's intensive four year program for fire officers and is part of the Federal Emergency Management Agency's U.S. Fire Administration. The completion of this elite program speaks highly of Chief Saunders' dedication to personal development and serving the citizens of Germantown. He joins the ranks of a handful of fire chiefs across the country that have achieved this accomplishment.

Alderman Liaison Reports

The Aldermen reported on their commission activities.

Citizens to be Heard

Marlene Strube, 7642 Foster Ridge, requested a larger offer be considered by the Board for Germantown Elementary and Germantown Middle School. She stated that the Executive Sessions should be recorded in the interest of the Sunshine law.

Natalie Williams, 8049 Neshoba Road, stated she is working with the Germantown Education Foundation and is the chairman for the Treasures for Teachers event. She challenged the Board to meet the School Board's 100 percent participation by sponsoring a teacher with a \$100 gift card to be given in August.

Sarah Freeman, 7684 Apahon Lane, came forward to express her concerns regarding the City's alcohol and T-4 zoning ordinance.

Pauline Lathram, 6958 Country Road, stated she felt enactment of Ordinance 2016-10 last November and the T-4 zoning ordinance was done so in a misleading and nontransparent manner.

Stephanie Brockway, 8981 Dogwood Road, expressed her appreciation for the City employees, elected officials, and community and citizen volunteers for assistance in making the Germantown Education Foundation GMSD Stampede so successful. Over 5,000 attended the 5K and one-mile color run.

Donations – Germantown Community Library and Germantown Regional History and Genealogy Center

Mr. Page stated the Friends of the Germantown Community Library have contributed \$3897.00 to the Germantown Community Library. The Tennessee Genealogy Society has contributed \$297.00 to the Germantown Regional History and Genealogy Center. The Germantown Community Library works in partnership with many local organizations to provide top quality services to its patrons. This year the library is hosting Battle of the Books, a reading program for students across the state. Donations totaling \$500.00 were recently given by Friends of the Germantown Community Library in support of the Battle of the Books program. The Friends gave another \$3,379.00 donation to be used to enhance library programs and events. The \$297.00 that was donated to the Genealogy Center by the Tennessee Genealogy Society was designated to purchase books for the genealogy collection.

Motion by Ms. Gibson, seconded by Mr. Barzizza, to accept donations of \$3,879.00 to the Germantown Community Library and a donation of \$297.00 to the Germantown Regional History and Genealogy Center and to approve Budget Adjustment No. 17-65.

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

Project Development Contract No. 1195 – Harvest Church

Mr. Ross stated Contract No. 1195 is a standard project development contract to include a 10,350 sq. ft. expansion of the existing building, adding a new 51,243 sq. ft. free-standing building, and new parking areas. The property was annexed into Germantown on July 26, 2000, as part of the annexation of a 1,450 acre area in the vicinity of Forest Hill-Irene Rd. and Winchester Rd. The Board of Zoning Appeals (BZA) approved on May 13, 2014, a Use on Appeal for the expansion of the church's parking lot. A second Use on Appeal was approved by the BZA on January 12, 2016 for expansion of the church building. The church was recently purchased by Harvest Church, which is the current user of the facilities.

Motion by Mr. Barzizza, seconded by Mr. Owens, to approve Project Development Contract No. 1195 for Harvest Church expansion and classroom addition.

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, Second Reading and Public Hearing

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 Retailers (liquor stores).

Therefore, the proposed amendment to Section 3-114 reasserts the 200 feet restriction for Retailers.

In addition, the November 28, 2016 amendments made changes to Section 3-116 by including additional zoning districts in which 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 may be located and the zoning districts in which Retail Food Stores may sell wine.

Based on comments from the Board at its March 27, 2017 meeting, references to "wholesalers" have been deleted, as wholesalers are not permitted to be located in the City under Tennessee Code Section 57-3-203, and the capitalized term "Retailers" has been added to Section 3-116(a) for the sake of clarity.

Mayor Palazzolo asked citizens to come forward to address the Board during the public hearing.

Sarah Freeman, 7684 Apahon Lane, stated the changes to Ordinance 2017-6 do not rectify the problem. Ordinance 2016-10 should be repealed or at least Article 4 since it was not disclosed.

Jim Breazeale, 1863 Cordova Road, stated he participated in charrettes in 2006 leading to the 2007 adoption of the well-designed smart growth plan. The plan states a tree buffer should be maintained. He stated, there is one solitary growth. He suggested that curb-side parking on Cordova Road only be allowed in front of single family lots.

Jim Jacobs, 7684 Apple Valley, stated that during the smart growth development, residents were assured that T-4 would be a transition from residential to commercial. He finds the amendment to be confusing. There is no reason to put alcohol selling operations in T-4.

Don Lossing, 1475 Cordova Road, stated he is concerned about drunk drivers leaving establishments so close to the school down the street.

Pauline Lathram, 6958 Country Road, stated the City was transparent in regard to beer changes but nontransparent regarding restaurants in T-4 that can serve alcohol. She asked that the Board start anew with alcohol changes.

Mayor Palazzolo closed the public hearing.

Motion by Mr. Owens, seconded by Mr. Janda, to call the question to approve Ordinance 2017-6, amending the City of Germantown Alcoholic Beverages Ordinance on second reading and move to third reading.

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

Motion by Mr. Barzizza, seconded by Mr. Owens, to amend Section 3-114(c) "or within 200 feet of any another Retailer".

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

Motion by Mr. Owens, seconded by Mr. Janda, to approve Ordinance 2017-6, amending the City of

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Germantown Alcoholic Beverages Ordinance on second reading as amended.

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

Mike Palazzolo, Mayor

Michele Betty, City Clerk/Recorder