

## **BOARD OF MAYOR AND ALDERMEN**

January 8, 2018

The regular meeting of the Board of Mayor and Aldermen was held on Monday, January 8, 2018, at 6 p.m. in the Council Chambers at 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: Michele Betty, Rodney Bright, Paul Chandler, Reynold Douglas, David Harris, Tim Gwaltney, Jason Huisman, Patrick Lawton, Bo Mills, Cathryn Perdue, Cameron Ross, Emily Rozar, 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 Janda led the Pledge of Allegiance.

### **Approval of the Agenda**

During the executive session, the Board unanimously agreed to move to the Consent Agenda: #10 Professional Services Agreement Safe Routes to Schools. During the regular meeting, prior to approving the agenda, the Board unanimously agreed to move #9 Resolution 18R03 Instituting an Eighteen Month Moratorium on New Standalone Multi-family Development in the Smart Code Zoning Districts to follow Citizens to be Heard.

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 were no corrections to the December 11, 2017 minutes.

Motion by Mr. Barzizza, seconded by Mr. Janda, to approve the December 11, 2017 minutes.

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

There were no corrections to the December 18, 2017 minutes.

Motion by Mr. Janda, seconded by Ms. Gibson, to approve the December 18, 2017 minutes.

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

### **Alderman Liaison Reports**

The Aldermen reported on their commission activities.

### **Citizens to be Heard**

Richard Marsh, 7359 Poplar Pike, stated he supports quality multi-family. He referred to reports, surveys and factual data by the Sierra Club, the Urban Land Institute, the American Institute of Architects, and Harvard University regarding high density multi-family development as a part of mixed use development in suburban communities.

Margaret Jackson, 1409 Riverwood Cove, stated she is not anti apartment and development. She is concerned about overcrowding in schools.

Marlene Strube, 7642 Foster Ridge, stated she is not opposed to change and development. Her concerns are about more apartments resulting in an increase in public services and school overcrowding resulting in higher taxes.

Steve Shields, 1716 Cordova Road, stated he favors the moratorium and data can be taken out of context.

Jim Jacobs, 7684 Apple Valley Road, stated the parcel of land referred to as Owen's Triangle, was originally zoned as residential and is disappointed with the T4 zoning. Smart growth does not fit in all areas.

Jaime Picunko, 9318 S. Romano Way, expressed her concerns about smart growth, zoning changes, dense developments, school crowding and small plan apartments.

Don Lossing, 1475 Cordova Road, shared his concerns about marketing businesses and developers from outside the area telling the City that it needs more apartments.

Barry Britton, 1752 Crooked Creek Lane, stated he is proud of Germantown as a community but believes it is becoming an extension of East Memphis.

Patsy McLaughlin, 1752 Crooked Creek Lane, is against more apartments, likes Germantown because of its beauty and is opposed to the clear cutting of trees.

John Peyton, 1705 Old Mill Road, stated Germantown has always stayed the same with its strict codes and rules. Now the building codes are relaxed for the sake of growth and he feels the developers have taken advantage of this. He is not against Thornwood and its apartments but does not favor any additional apartments.

David Dixon, 1600 Cordova Road, stated he is against apartments.

**Resolution 18R03 Instituting an Eighteen Month Moratorium on New Standalone Multi-family Development in the Smart Code Zoning Districts**

Mayor Palazzolo read a resolution imposing an eighteen (18) month moratorium temporarily halting both the acceptance of new applications and the processing of applications for stand-alone multi-family development (including any locations within mixed use projects or planned developments) in the Smart Code Zoning Districts. Excepted from the moratorium are stand-alone multi-family development applications in the Smart Code Zoning Districts that have already been approved at any stage of the development process by the City, including any of its boards, departments, or commissions, specifically Thornwood, Watermark, Viridian, and the Carter mixed use development.

The purpose of the temporary moratorium is to allow the City an opportunity to study, research, analyze and/or assess the likely impacts and nature of any future multi-family development in the Smart Code Zoning Districts, including, without limitation and as the City deems appropriate, development and demographic trends, aesthetic qualities, burdens upon and access to City services, resources, schools, infrastructure, utilities, parks, public areas/facilities, and emergency and police services, traffic congestion, public safety, and neighborhood characteristics.

Motion by Ms. Gibson, seconded by Mr. Janda, to adopt Resolution 18R03 – a resolution instituting an eighteen-month moratorium on new stand alone multi-family development in the Smart Code zoning districts.

*Board of Mayor and Aldermen Amendment as approved March 26, 2018:*

*Ms. Gibson stated the proposed moratorium comes at a time there is great interest in Germantown and believes it will provide a necessary pause in multifamily units without stifling development in the central business district, the western gateway, or Forest Hill Heights. After the last four months, in meetings with Economic and Community Development administration and developers in the Forest Hill Heights and Arthur Tract Areas, she stated she considered the temporary ban on multifamily residences.*

*She expressed her appreciation to the residents who contacted her to share their concerns about development in the Cordova Triangle. Ms. Gibson stated these conversations began last January when changes were proposed for this area and continued over the summer with dialogue on the buffer zone between any development surround the triangle, and most recently when neighbors were advised of a potential new development. Ms. Gibson emphasized that word of a potential new development came from developers, not the City. The developer has not filed anything with the City.*

*Ms. Gibson stated she received emails in support of the moratorium, expressing their concerns about the impact multifamily development could have on City services, such public safety schools. Because this is planned growth, she is confident in the feedback she received from the fire and police department that they are able to provide service in the manner the citizens have come to expect.*

*She stated she met with Jason Manual, GMSD School Superintendent, and School Board Chairman Linda Fisher regarding projections the District made with their demographer for not only the new elementary school off of Forest Hill, but for all of the schools in the District. She believes the school leadership when they say they counted for projected development numbers in the Forest Hill Heights small area plan and the other plans in the city.*

*Ms. Gibson stated options other than single family houses are good for Germantown. Homeownership is changing with young people buying starter homes and seasoned residents are downsizing. Germantown residents who live in apartments may do so because of the park system, exceptional schools, and safe neighborhoods and to be near loved ones. Apartment dwellers should not be considered less than someone who owns a single family home. We are all neighbors. Some of the conversations on social media cross line as "us versus them" dialogue and has no place in a community of kindness. The concentration should be on what is real, not based on a perception of other communities' issues and challenges, but facts and intuition from professionals who are charged with making us one of the safest cities in the state. The GMSD is the number one school district in the state.*

*She stated it is necessary to look to the future, while preserving our heritage in the Old Germantown District and in neighborhoods. She knows that two of the aldermen vehemently oppose Smart Growth, which was adopted by the City 10 years ago. She respects but disagrees with their perspective and opinion. Smart Growth is different from the Germantown of her childhood, but this does not make it bad. She was sad to see the old cinderblock Checkerberry Shop be torn down, but felt it was best for the city.*

*Ms. Gibson stated she is aware of those fanning the flame that multifamily residences aren't a worthy addition to the city. These developments can be an asset to the community if developed well and with the controls the City already has in place. The multifamily units that have been approved are comparable to the ones seen in the community to our east, with their attractive, safe, and clean walkable communities built close to office and light retail. The Thornwood and TraVure developments are the first true mixed use projects to come out of the visioning steering committee*

*years ago, made up of the best, brightest in the city, and dedicated neighbors who came together to envision what could be in Germantown. She stated she is eager to see those developments completed as she believes this will go a long way in diffusing some of the concerns many have right now.*

*She stated her son had a serious eye injury many years ago. From those days, the word “vision” has meant something special. As a mom, person of faith, and as a leader, “vision” means to have the courage to see something differently. Leaders have to communicate the vision of thoughtful, deliberate and reasoned development necessary to sustain public safety, schools and quality of life such as parks, library, and performing arts center. She stated that for her, this is the heart of these important and complex decisions.*

*Ms. Gibson stated she would like for staff, while they’re doing their analysis, to come back to the Board with a proposal to remove the Cordova Triangle from the Central Business District leaving it strictly as single family residential. She asked that staff pay particular attention to how the T4 removal affects the buffer zones- the landscape preservation areas which would no longer exist.*

*Ms. Gibson offered an amendment to the moratorium to include all multi family, including Smart Growth, with the exclusion of brownstones, townhomes, condominiums and attached patio homes.*

*While the Board reviewed hard copy of the amendment, Mayor Palazzolo stated personally and on behalf of the City staff and administration, they do not have issue with either of the two proposals. He stated staff will be directed to begin the work and due diligence to look to safely and legally remove the Cordova Triangle from the Central Business District. He stated they have no opposition in amending the moratorium that what brought forward.*

Motion by Ms. Gibson, seconded by Mr. Owens, to amend Resolution 18R03 to expand the moratorium from stand alone multi-family development in the Smart Code zoning district to include new apartments and apartment buildings in the Smart Code zoning district.

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

Motion by Mr. Barzizza, seconded by Mr. Massey, to amend the amendment to Resolution 18R03 by making the moratorium permanent for all new apartments. Motion rescinded by Mr. Barzizza and second by Mr. Massey withdrawn.

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

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

Motion by Mr. Barzizza, seconded by Mr. Massey, to defer the vote on Resolution 18R03, for 30 days, to hold a work session.

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

Motion by Mr. Massey, seconded by Mr. Barzizza, to amend Resolution 18R03 to place a moratorium on all multi-family development in Germantown.

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

ROLL CALL: On original motion by Ms. Gibson, seconded by Mr. Owens, to amend Resolution 18R03 to Board of Mayor and Aldermen

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expand the moratorium from stand alone multi-family development in the Smart Code zoning district to

include new apartments and apartment buildings in the Smart Code zoning district as amended.

Barzizza-yes, Gibson-yes, Massey-yes, Owens-yes, Janda-yes. Motion approved.

**CONSENT**

**Appointment to Board of Zoning Appeals**

There is one vacancy on the Board of Zoning Appeals. Ms. Rhea Clift has expressed a desire to serve on this Board.

MOTION: To appoint Rhea Clift to the Board of Zoning Appeals until December 31, 2018.

**Appointment to Great Hall & Conference Center Advisory Commission**

There are two vacancies on the Great Hall & Conference Center Advisory Commission. Mr. Brian Carney has expressed his desire to serve on this commission.

MOTION: To approve the appointment of Mr. Brian Carney to serve on the Great Hall & Conference Center Advisory Commission until December 31, 2018.

**Donation - Neighborhood Preservation Commission**

This item is to accept donations to the Neighborhood Preservation Commission supporting the Neighborhood Summit in the amount of \$600.00. The summit helps provide neighborhood associations with information on activities in the city and how to improve their association's events and activities. The commission solicits sponsorship donations to cover expenses associated with the event.

MOTION: To accept and recognize four (4) donations for a total amount of \$600.00 to the Neighborhood Preservation Commission and approve Budget Adjustment No. 18-27.

**Donation – Fire Department**

The Fire Department received a donation of \$50.00 from Patrick and Sandra Kramer. They included a note to "Please accept the enclosed check in appreciation for all the hard work provided by your firemen."

MOTION: To accept donation in the amount of \$50.00 to support the Fire Department Fire Prevention program and to approve Budget Adjustment No.18-29.

**Professional Services Agreement - City Hall Elevator Replacement**

This agenda item is to consider approval of a Professional Services Agreement with McGehee Nicholson Burke Architects in the amount of \$14,000.00 to provide engineering services and construction documents for the replacement of the elevator at City Hall with an elevator that is ADA compliant.

MOTION: To approve a Professional Services Agreement with McGehee Nicholson Burke Architects, PC in the amount of \$14,000.00 and Budget Adjustment 18-30 to provide engineering services to design and prepare construction documents for the replacement of the existing elevator located within the City Hall building.

**Purchase – Google G Suite Annual Licensing**

In January 2013, the Board approved the implementation of Google Apps for Government. Annual maintenance and licensing has been renewed each January since implementation. The purpose of this agenda item is to request authorization to renew the annual licensing for Google G Suite Business and Google Chrome Device Management in the amount of \$55,452.90 from Onix Networking.

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MOTION: To authorize the renewal of annual licensing for G Suite Business and Google Chrome Device

Management in the amount of \$55,452.90 from Onix Networking.

**Right-of-Way Acquisition – Tract 20 – Germantown Road/Wolf River Boulevard Intersection Improvement Project**

This item is to request approval of a right-of-way acquisition agreement with Market Place Investments in the amount of \$34,300.00 for the purchase of real estate and/or easements related to improvements to the intersection of Germantown Road and Wolf River Boulevard.

MOTION: To approve the right-of-way acquisition of real estate from Marketplace Investments, L.L.C. (Formerly Collis Foods) for the total lump sum amount of \$34,300.00 for a portion of Tract 20 and authorize the disbursement of the purchase price to the seller.

**Professional Services Agreement – Safe Routes to Schools (SRTS)**

The SRTS program was established in 2005 as part of federal legislation to provide funding to State Departments of Transportation to create and administer SRTS programs. Purposes include (1) enable and encourage children, including those with disabilities, to walk and bike to school; (2) make walking and biking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from an early age; and (3) facilitate planning, development and implementation of projects to improve safety, and reduce traffic, fuel consumption and air pollution in the vicinity of schools.

MOTION: To approve a Professional Services Agreement with the Pickering Firm, Inc. in the amount of \$33,884.76 for engineering design services related to two Safe Routes to School projects in the Riverdale Elementary School zone.

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

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

**REGULAR**

**Ordinance No. 2017-09 – Amendments to Sign Ordinance Related to Permanent Signage – Third Reading**

In an effort to address concerns about visibility that have been raised regarding signage for tenants in small retail or commercial centers in Germantown, City staff, at the request of the Design Review Commission, prepared the amendments to Chapter 14 of the Municipal Code, Germantown Sign Ordinance. The changes will assist in providing some visual street identity for small business owners with limited street presence, while also preserving the existing character of commercial areas in Germantown.

Motion by Ms. Gibson, seconded by Mr. Barzizza, approve on third and final reading Ordinance 2017-9, amendments to Chapter 14 of the Municipal Code, the Germantown Sign Ordinance related to Permanent Signs.

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

Meeting Adjourned.

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Mike Palazzolo, Mayor

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Michele Betty, City Clerk/Recorder