

BOARD OF MAYOR AND ALDERMEN

March 8, 2021

The regular meeting of the Board of Mayor and Aldermen was held on Monday, March 8, 2021, at 6 p.m. via live streaming. Meeting electronically was necessary to protect public health, safety and welfare in light of the COVID-19 pandemic.

Mayor Mike Palazzolo was present and presiding.

The following aldermen were present: Scott Sanders, Mary Anne Gibson, Sherrie Hicks, Brian Ueleke and Jon McCreery. Staff present: Jeff Beaman, Pam Beasley, Michele Betty, Tony Fischer, Jason Huisman, Patrick Lawton, Mac McCarroll, Bo Mills, Lisa Piefer, Cameron Ross, Adrienne Royals, John Selberg and Steve Wilensky.

Call to Order

The Mayor called the meeting to order.

Invocation

The invocation was led by Patrick Lawton.

Statement from Mayor Palazzolo

Mayor Palazzolo read the following statement: All local governing bodies in the State of Tennessee have been impacted by the COVID-19 pandemic. Germantown is no exception. In an effort to carry out its governance and operational responsibilities lawfully, and effectively, while also considering the protection of public health, safety and welfare, the Germantown City Administration has taken steps to conduct Board of Mayor and Aldermen and other public meetings electronically. These actions were taken in response to Governor Bill Lee's Executive Order No. 78, an order extending Executive Order Nos. 16, 34, 51, 60, 65 and 71, which suspended the requirements of the Tennessee Open Meetings Act to the extent necessary to allow governing bodies subject to the act to meet and conduct essential business by electronic means.

The public will have access to the Board of Mayor and Aldermen meeting via real-time video. The meeting will also be recorded and available within 48 hours of the meeting. These measures are temporary, and are due to expire on April 28, 2021, unless further action is taken by Governor Lee.

Establishment of Necessity to Conduct the Board of Mayor and Aldermen Meeting Electronically

Governor Bill Lee's Executive Order No. 78, an order extending Executive Order No. 16, required that the members of the governing body must make a determination at the outset of the meeting, by vote or otherwise, that conducting the meeting by electronic means is necessary to protect the public health, safety, and welfare of Tennesseans in light of the COVID-19 outbreak.

Motion by Mr. McCreery, seconded by Ms. Gibson, to conduct the March 8, 2021 Board of Mayor and Aldermen meeting by electronic means to protect the public health, safety, and welfare of Tennesseans in light of the COVID-19 outbreak.

ROLL CALL: Sanders-no, Gibson-yes, Hicks-yes, Ueleke-yes, McCreery-yes. Motion approved.

Set Agenda

Motion by Mr. Ueleke, seconded by Mr. Sanders, to approve the March 8, 2021 agenda.

ROLL CALL: Sanders-yes, Gibson-yes, Hicks-yes, Ueleke-yes, McCreery-yes. Motion approved.

Approval of Minutes

Motion by Mr. Sanders, seconded by Ms. Gibson, to approve the minutes of the Board of Mayor and Aldermen regular meeting held February 22, 2021 as written.

ROLL CALL: Sanders-yes, Gibson-yes, Hicks-yes, Ueleke-yes, McCreery-yes. Motion approved.

Citizens to be Heard

The following citizens came forward to express their opposition to the rezoning of the Skinner Property.

Nancy and Charles Coe, 2896 Hughes Creek Cove
Susan and Andrew Davidoff, 9309 Forest Hill Lane
Beverly and Patrick McClatchy, 9341 Forest Hill Lane
Pamela and Michael Rebolledo, 9245 Forest Hill Lane

Mr. Thomas Moore, 1931 Wicklow Way, came forward to ask the status of the former Germantown Country Club property.

Proclamation - Procurement Month

The Mayor proclaimed the month of March 2021 as Procurement Month.

CONSENT AGENDA

PEG Disbursement to GMSD – 2nd Quarter

The City receives PEG funding from Comcast and AT&T based upon the number of subscribers on a quarterly basis. The funds are redirected to the PEG designated station by the City to the Germantown Municipal Television Station. The funds from the second quarter of fiscal year 2021 are from October 1, 2020 through December 31, 2020. The documentation is to be maintained by GMSD for all capital purchases for the PEG station. These funds will ensure that quality equipment will be purchased and used by the students.

MOTION: To authorize the disbursement of PEG funding collected by the City to the Germantown Municipal School District in the amount of \$37,361.59.

Motion by Mr. McCreery, seconded by Ms. Gibson, to approve the consent agenda as read.

ROLL CALL: Sanders-yes, Gibson-yes, Hicks-yes, Ueleke-yes, McCreery-yes. Motion approved.

REGULAR

Ordinance 2021-5 – Amendments to Chapter 23 of the Code of Ordinances (Zoning) - Amendment to Residential Corner Lot Definition and Residential Lot Setbacks - First Reading and Set Public Hearing Date

An application for zoning text amendments has been filed at the request of the Planning Commission to amend the language in the City Code. The specific text amendments are to revise the definition of corner lots and modify the required side yard setbacks on residential lots.

Motion by Mr. McCreery, seconded by Ms. Hicks, to approve on first reading Ordinance 2021-5, amendments to Chapter 23 (Zoning), Article I (In General), Section 23-2; Section 23-3(d), and to various sections within Article III (Districts) of the Code of Ordinances; and to set the second reading and public hearing for April 12, 2021.

ROLL CALL: Sanders-yes, Gibson-yes, Hicks-yes, Ueleke-yes, McCreery-yes. Motion approved.

Ordinance 2021-6 – Appeal of Decision by Planning Commission - Skinner Property (3.38 AC.) Rezoning from "AG" Agricultural and "R-E" Residential Estate Zoning Districts to "O" Office and "C-1" Neighborhood Commercial Zoning Districts - First Reading and Set Public Hearing Date

This item is to approve on first reading the rezoning of three parcels north of Poplar Avenue and east of Forest Hill Irene Road (known as the Skinner Property) from "AG" Agricultural and "R-E" Residential Estate to "O" Office and "C-1" Neighborhood Commercial, and set the second reading and public hearing date for April 12, 2021. The specific request by the applicant is to rezone three parcels of land containing 3.38 ac. (per submitted PC application) for office and commercial/retail uses.

The Planning Commission recommended rejection of this rezoning on December 1, 2020. Pursuant to Sec. 23-68 of the Code - Planning Commission review: No amendment shall be enacted by the Board of Mayor and Alderman unless such amendment is first submitted to the Planning Commission for review. If disapproved by the Planning Commission, the amendment must be approved by the favorable vote of a majority of the entire membership of the Board of Mayor and Alderman. Thus, this rezoning request would have to be approved at three readings by four or more members of the Board of Mayor and Aldermen. In order to move this application to second reading and set the public hearing, the board is required to vote in favor of the application at the first reading.

Brenda Solomito Basar, with Solomito Land Planning, presented the basis of the appeal on behalf of the property owners.

Motion by Mr. McCreery, seconded by Ms. Hicks, to approve on first reading the rezoning of three parcels north of Poplar Avenue and east of Forest Hill Irene Road (known as the Skinner Property) from "AG" Agricultural and "R-E" Residential Estate to "O" Office and "C-1" Neighborhood Commercial, and set the second reading and public hearing date of April 12, 2021.

ROLL CALL: Sanders-yes, Gibson-yes, Hicks-yes, Ueleke-yes, McCreery-yes. Motion approved.

Meeting adjourned.

Mike Palazzolo, Mayor

Michele Betty, City Clerk/Recorder