

BOARD OF MAYOR AND ALDERMEN
January 8, 2024

The regular meeting of the Board of Mayor and Aldermen was held on Monday, January 8, 2024, at 6 p.m., in the Council Chambers at City Hall.

Mayor Palazzolo was present and presiding.

The following aldermen were present: Scott Sanders, Mary Anne Gibson, Sherrie Hicks, Brian Ueleke and Jon McCreery. Staff present: Michele Betty, Mike Fisher, Sarah Goralewski, Jason Huisman, Mac McCarroll, Cameron Ross and Andy Sanders.

Call to Order

The Mayor called the meeting to order.

Invocation

The invocation was led by City Chaplain Dave Phillips.

Pledge of Allegiance

Alderman Sanders led the Pledge of Allegiance.

Set Agenda

The Board is asked to set the agenda for the meeting. Any changes are to be made at this time.

Motion by Mr. Sanders, seconded by Ms. Gibson, to approve the January 8, 2024 agenda.

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

Approval of Minutes - December 11, 2023

Approval is requested of the minutes of the regular meeting held December 11, 2023.

Motion by Mr. McCreery, seconded by Mr. Sanders, to approve the minutes of the Board of Mayor and Aldermen regular meeting held December 11, 2023.

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

Approval of Minutes - December 12, 2023

Approval is requested of the minutes of the special called meeting held December 12, 2023.

Motion by Mr. McCreery, seconded by Mr. Ueleke, to approve the minutes of the Board of Mayor and Aldermen special called meeting held December 12, 2023.

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

Citizens to be Heard

No citizens came forward.

Mayor Palazzolo recessed the Board of Mayor and Aldermen and reconvened as the Beer Board.

BEER BOARD

Public Hearing – Beer Permit – On-Premise Application – Zen Japanese Fine Cuisine

The City has received a request from Dinh Q. Le for a permit to sell beer for on-premise consumption at Zen Japanese Fine Cuisine, located at 1730 S. Germantown Road, Suite 125.

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

Motion by Mr. Sanders, seconded by Mr. McCreery, to approve the request of Dinh Q. Le for a permit to sell beer for on-premise consumption at Zen Japanese Fine Cuisine, located at 1730 S. Germantown Road, Suite 125.

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

Public Hearing – Temporary Beer Permit – On-Premise Application – Grand Krewe of PTAH

The City has received a request from The Grand Krewe of PTAH for a permit to sell beer for on-premise consumption at The Great Hall & Conference Center for their coronation on January 20, 2024.

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

Motion by Mr. Sanders, seconded by Mr. Ueleke, to approve the request of The Grand Krewe of PTAH for a permit to sell beer for on-premise consumption, on Saturday, January 20, 2024, from 6 pm to 11:30 pm, at their coronation to be held at The Great Hall & Conference Center.

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

Mayor Palazzolo recessed the Beer Board and reconvened as the Board of Mayor and Aldermen.

CONSENT AGENDA

Election – Industrial Development Board

There was one position on the Industrial Development Board not filled at the Special Called Meeting held on December 12, 2023. Mr. Scotty Hendricks, Jr. has applied to serve.

MOTION: To elect Scotty Hendricks, Jr. to serve on the Board of Directors of the City of Germantown Industrial Development Board until December 31, 2029.

Contract Amendment No. 1 – Street Sweeping

The City has utilized contract sweeping services for over 30 years. Sweeping Corp. has been the City's sweeping contractor for the last 12 years. The initial contract is for 36-months beginning July 1, 2022 through June 30, 2025, and can be extended at the City's option for two additional, successive 12-month periods.

MOTION: To approve Contract Amendment No.1 with Sweeping Corporation of America to provide additional sweeping services including one additional city-wide sweep in the amount of \$103,995.57 for FY24 and \$110,633.04 for FY25.

Motion by Mr. McCreery, seconded by Ms. Hicks, to approve the Consent Agenda as read.

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

REGULAR AGENDA

Ordinance 2023-20 – Planning Commission Process Improvements – Amendments to Chapter 2 – Article V, Division 2 (Planning Commission), Section 17 (Subdivisions) and Section 23 Articles 2,3,5 and 7 (Zoning) – Third and Final Reading

In an effort to improve the land development entitlement process for both the applicants and the City, the following five process improvements are being proposed:

- Modify the Planning Commission Subcommittee
- Extend staff review time of Planning Commission applications

- Expand the Sketch Plan requirement for Planning Commission submittals, prior to submitting a Planning Commission application (specifically for Planned Unit Developments, Subdivisions, SmartCode projects, and other requests as deemed necessary by the ECD Director)
- Redefine the SmartCode Review Committee
- Eliminate newspaper notification for BZA, PC and BMA development applications (unless required by state law, such as for rezoning and general plan adoption)

No changes were made to the ordinance at second reading.

Motion by Mr. McCreery, seconded by Ms. Hicks, to approve Ordinance 2023-20, amending Chapter 2 Administration, Article V, Division 2 (Planning Commission), Section 17 (Subdivisions) and Section 23 Articles 2, 3, 5 and 7 (Zoning) on the third and final reading.

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

Ordinance 2024-6 – Rezoning of 9709, 9713 & 9715 Poplar Ave. (“O” Office to “RE” Residential Estate) – First Reading and Set Public Hearing

In 1939, a single-family house was built at 9709 Poplar Avenue, under the “AG” Agricultural zoning in unincorporated Shelby County. In 1984, a 2,128-sq.ft. cabin was built at 9713/9715 Poplar Avenue while also part of unincorporated Shelby County. In 2000, these properties were annexed into the City with the zoning designation “O” Office, as well as the other single-family parcel to the west. These properties have remained single-family residential and have not redeveloped into an office building since being annexed. The property to the west, 9695 Poplar Avenue, which was developed as a single-family house, was recently rezoned from “O” Office to “RE” Residential Estate in 2020. The applicant at 9713/9715 Poplar Avenue wishes to demolish the existing cabin and improve the property in constructing a new single-family house. The property at 9709 Poplar Ave. would remain as it currently is, which is developed with a single-family house. In order to allow such single-family residential improvements, the property requires having a zoning designation that allows this use.

Motion by Mr. McCreery, seconded by Ms. Hicks, to approve Ordinance 2024-6 on first reading and set the second reading and public hearing for February 12, 2024.

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

Ordinance 2024-7– Amendments to Chapter 14 of the Municipal Code (Sign Ordinance) – Parking Lot Signage – First Reading and Set Public Hearing

During the pandemic, many businesses installed temporary curbside pick-up. With many businesses having since returned to normal operations, many are requesting to formalize curbside pick-up with permanent signage. Additionally, businesses in multi-tenant commercial centers have increased signage of parking spaces dedicated only for their customers or for a specific time limit. These signs are also regarded as temporary. The Design Review Commission recommended approval of these proposed text amendments.

Motion by Ms. Hicks, seconded by Mr. Ueleke, to approve Ordinance 2024-7, amending Section 14-34 of Chapter 14 (Signs), and to set the second reading and public hearing date for February 12, 2024.

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

GBOE Resolution 04/2023-2024 – Joint Resolution of the Germantown Board of Education (GBOE) and the Board of Mayor and Aldermen Opposing State Voucher Initiatives

The Tennessee Education Savings Account (ESA) Program allows eligible students who are zoned to attend Memphis-Shelby County Schools, Metro Nashville Public Schools, Hamilton County Schools, or a school that was in the Achievement School District (ASD) on May 24, 2019, to use state and local money toward education expenses, including tuition and/or fees at approved private schools.

This past November, Governor Lee formally announced his plan to expand tax-payer funded school vouchers statewide through a program known as the Education Freedom Scholarship Act. If passed by the Tennessee General Assembly, vouchers would be made available for 20,000 Tennessee students in the '24-'25 school year, with no stated limit on the number of scholarships in the '25-'26 school year and beyond.

Motion by Ms. Gibson, seconded by Ms. Hicks, to approve GBOE Resolution 04/2023-2024, approving a joint resolution with the Germantown Board of Education urging the Tennessee General Assembly to reject the Education Freedom Scholarship Act or similar voucher initiatives that would divert public dollars from public schools.

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

Legislative Agenda – 2024

On November 13, 2023, Mayor Palazzolo presented the City's (and suburban municipalities') position regarding the following legislative items to Shelby County state legislators. At the vision and work session on December 4, 2023, the Board of Mayor and Aldermen reviewed and discussed the same legislative items. The Tennessee Municipal League (TML) District 8 meeting was held on December 12, 2023, for public officials to review a number of TML's legislative items. Mayor Palazzolo will be holding a legislative luncheon at Germantown City Hall with all Shelby County suburban mayors on January 11, 2024, to further discuss regional legislative concerns and initiatives.

Motion by Ms. Gibson, seconded by Mr. Sanders, to approve the CAity of Germantown's legislative agenda for the state of Tennessee 2024 legislative session

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

Mike Palazzolo, Mayor

Michele Betty, City Clerk/Recorder