

BOARD OF MAYOR AND ALDERMEN
July 9, 2007

A regular meeting of the Board of Mayor and Aldermen was held on July 9, 2007 at 7:00 p.m. in the Council Chamber of the Municipal Center.

Mayor Sharon Goldsworthy was present and presiding.

The following Aldermen were present: Ernest Chism, John Drinnon, Carole Hinely, Mike Palazzolo and Frank Uhlhorn. Staff present: Patrick Lawton, Tom Cates, George Brogdon, Andy Pouncey, Kristen Geiger, Pam Beasley, Jerry Cook, Deputy Chief Tom Lott, Pat McConnell, Bo Mills, Chief Dennis Wolf, Butch Eder, Michael Sadler, Michael Stoll, Ralph Gabb, Melody Pittman, Lisa Piefer and Dotty Johnson.

Invocation

Bishop Craig Langstraat of Church of Christ of Latter Day Saints gave the invocation.

Pledge of Allegiance

Carole Hinely led the Pledge of Allegiance.

Approval of Minutes

The minutes were approved as read.

Motion by Mr. Uhlhorn, seconded by Mr. Chism, to approve the minutes of the Executive Session and Regular Meeting held June 25, 2007.

ROLL CALL: Chism – yes, Drinnon – yes, Hinely – yes, Palazzolo-yes, Uhlhorn-yes. Motion approved.

Citizens to be Heard

No citizens came forward to voice their concerns.

PUBLIC HEARING – Ordinance 2007-12 – Amendment to Germantown S/D Regulations – Add definition of subdivision to Chapter 17 of the Code of Ordinances – Second Reading

Josh Whitehead stated this ordinance was to codify the definition of subdivision the same way the Tennessee Code Annotated (TCA) defines it: The division of a parcel into two or more lots, each lot being at least five acres. This ordinance came as a recommendation because the City of Memphis has a “Home Rule” provision that allows them to pass laws different from the TCA. Many developers that develop in Germantown also develop in Memphis and this will help them define when they do go through a subdivision process and when they do not.

Mayor Goldsworthy declared the public hearing open. Having no one come forward, the Mayor declared the public hearing closed.

Motion by Mr. Chism, seconded by Mr. Uhlhorn, to approve Ordinance No. 2007-12 on Second Reading.

ROLL CALL: Chism – yes, Drinnon – yes, Hinely – yes, Palazzolo-yes, Uhlhorn-yes. Motion approved.

PUBLIC HEARING – Ordinance 2007-13 – Amendment to Germantown Zoning Ordinance – Codification of Smart Code – Second Reading

Mr. Whitehead explained that the Smart Code was the most significant proposed change to the zoning code since it was adopted in 1959. It will address the Vision 2020 goal of creating a pedestrian oriented heart of Germantown city center. It would not change what has made Germantown what it is and that is the single-family residential districts which makes up about 82% of the land mass. This would address

PUBLIC HEARING – Ordinance 2007-13 – Amendment to Germantown Zoning Ordinance – Codification of Smart Code – Second Reading – (cont'd)

the central business district located on the north side from Neshoba down to the railroad tracks in the south and from Briarbrook on the east to Miller Farms on the west. The main focus will get away from the segregation of uses and mix into the business district, some mixed use type of atmosphere of residential and commercial. It would create a vibrant retail activity. We start by reassessing our building configuration on the lots and creating four zoning districts within the Smart Code.

Mr. Whitehead went into detail describing the different zoning districts and what they would allow. He also stated the Board had discussed and decided to put into ordinance time limits for trash collection which would be from 7:00 a.m. to 7:00 p.m. He described the buffer areas and what they would contain.

In response to a question from Alderman Uhlhorn, Mr. Whitehead stated the recourse that could be taken if something were overlooked regarding the Smart Code would be like any other ordinance. If there were changes that needed to be made, the ordinance could be amended.

Mayor Goldsworthy stated this ordinance was about the Code itself that would enable certain types of building uses and densities within a specifically defined area in the City of Germantown. That area will be the central business district including the public spaces such as the city buildings. Once the district has been defined by the Board and the zoning within it defined, that is the only place the Smart Code could be used.

The Mayor opened the public hearing.

Mr. Kerry Mitchell of 7621 Willey Road came forward, which is close to Neshoba and Germantown Road and involved in the Smart Code area. He was concerned with the height of buildings in the Smart Code area and did not want anything over three stories anywhere in Germantown. He was in favor of a lot of things in the Code but not the height of the buildings. He was also concerned about the traffic and the drainage and sewage problems in the area.

Mr. Ron Poe of 8364 Westfair Circle South and he wanted to compliment the visionaries who had come up with the concept for the City. He felt it was a good opportunity for the community and the diversity of a mix of commercial, office and residential would work well for the community.

Mr. John Wagner of 2121 Kenross Cove stated that if Germantown wanted to continue have the service of library, fire and police, this was a smart way to provide the services so that it would not fall on the residential. He was very much in favor of the Smart Code.

Having no other citizens come forward, the public hearing was closed.

Motion by Mr. Drinnon, seconded by Ms. Hinely, to approve Ordinance 2007-13 on Second Reading.

Alderman Palazzolo asked Andy Pouncey to enlighten the audience on the drainage study that was in the budget for FY08 for the area in question.

Mr. Pouncey stated a master drainage plan had been approved in the budget for FY08 for the whole Smart Growth area. There was also a feasibility study for the area that would include a traffic study.

Alderman Uhlhorn stated it was his understanding that a LEED architect of specialist would certify the plans and since it is something that is fairly new, he would like to see the City get up to speed on

PUBLIC HEARING – Ordinance 2007-13 – Amendment to Germantown Zoning Ordinance – Codification of Smart Code – Second Reading – (cont'd)

what LEED is so that we would know and not have to depend on someone else. We could adopt our own standards.

Mr. Pouncey stated LEEDS had been discussed with the architects, engineers and planners had and all had been in conferences where LEEDS had been discussed so they would have a general knowledge. He acknowledged it would be good if a staff member became certified.

Alderman Uhlhorn also wanted to discuss the height of the buildings in future discussions. He also asked for a backup review for anything over four stories to ensure it would not have a negative impact on the neighborhoods.

Alderman Chism stated it was his understanding that any construction must come before the Board of Mayor and Aldermen and if anything was left out it could be brought before the Board and voted down if there was a problem.

Mr. Pouncey stated this was correct and the professionals would be called in and the Lawrence Group would be part of the first review. The intent is economic development but the City carries the same intent it has since 1955 and that is residential is primary and should be respected.

Alderman Chism called to question.

ROLL CALL: Chism – yes, Drinnon – yes, Hinely – yes, Palazzolo-yes, Uhlhorn-yes. Motion approved.

Ordinance 2007-14 – Amendment to Chapter 2 Administration – Investments – First Reading/Set Public Hearing Date

Michael Stoll stated Tennessee legislation was enacted that required certain investments of City funds to be specifically authorized by ordinance. In addition, this legislation directs the City Board of Mayor and Aldermen must adopt the written policy to govern these investments. Presently the investment of City funds is governed by Tennessee Code, which limits the type and term of authorized City investment. This State Code is further supplemented by detailed investment guidelines and criteria that are set in City Policy Letter No. 27. This policy letter was developed by City staff, reviewed by the investment subcommittee of the Financial Advisory Board and is periodically approved by the Board of Mayor and Aldermen.

Motion by Mr. Uhlhorn, seconded by Mr. Chism, to approve the Ordinance 2007-14 on First Reading and set a Public Hearing for August 13, 2007.

ROLL CALL: Chism – yes, Drinnon – yes, Hinely – yes, Palazzolo-yes, Uhlhorn-yes. Motion approved.

CONSENT AGENDA

Recognition of Germantown Community Library Grant

This was a matching funds grant provided through the Tennessee State Library and Archives. The grant includes purchasing children's software (\$1,875.00 to be matched) and six laptop computers (\$2,100.00 to be matched).

MOTION: To recognize and accept the 2007 Library Services and Technology Grant in the amount of \$3,975.00 presented to the Germantown Community Library, and to approve Budget Adjustment No. 08-01.

Project Development Contract Number 2249 – Germantown Plaza, 2006 Additions – Change Effective Date

The request is for approval of a 10,100 square foot expansion to the existing 116,181 square foot commercial building located at the southwest corner of Farmington Blvd. and Exeter Road. The change of the approval date is due to the 180-day limitation in the contract.

MOTION: To approve the approval date change for Project Development Contract No. 1149 for Germantown Plaza, 2006 Additions.

Project Development Contract Number 1156 – Forest Hill Heights PUD Phase 18: Hyatt Place Hotel

The property is located on the southeast corner of the intersection of Winchester Road and Forest Hill-Irene Road and is zoned “C-2” General Commercial. The Planning Commission granted preliminary and final site plan approval on June 5, 2007 and the DRC granted preliminary and final plan approval on June 26, 2007.

MOTION: To approve Project Development Contract Number 2256 for the development of Forest Hill Heights PUD Phase 18: Hyatt Place Hotel.

Ground Water Institute Agreement

The Ground Water Institute maintains the City’s WellHead Protection Program, a management area around the City’s well fields, which has been accepted and approved by the State. The Institute conducts a yearly Contaminate Source Inventory for each well field’s zone II area. Funding for this agreement is in addition to our existing contract, which expires in the spring of 2008.

MOTION: To authorize the Mayor to execute an Agreement with the University of Memphis Ground Water Institute in the amount of \$25,000.00.

FYI Newsletter Printing

Previously, the Parks and Recreation Department printed three Park Bench magazines on an annual basis. To make better use of the City’s financial resources slated for marketing, Administration decided to publish a tabloid style publication called FYI. This publication serves as an effective way to communicate information regarding City programs like Parks and Recreation programming, Smart Growth and managed competition without incurring the cost of printing and mailing an additional piece.

MOTION: To contract with J.W. Moore Printing Co., Inc. for the printing of three issues of the FYI Publication in the amount of \$17,985.00.

Professional Services Agreement Supplement – Crestwyn Drainage

The purpose of these additional services is to prepare construction plans for improvements to a natural channel section located downstream on the Clark & Clark property, just north of Winchester Road and east of Crestwyn Drive. This is now a new phase I of this project in addition to the initially proposed upstream phase of the project within the subdivision. The work to be designed following the necessary design classification report submitted to the City on May 29, 2007. A topographic survey must be performed to locate the existing channels and to determine a boundary between these channels and the wetland area. The engineering consultant will then develop construction plans for the proposed channel improvements.

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MOTION: To approve a \$19,152.00 supplement to a Professional Services Agreement with Gresham Smith & Partners for additional environmental design and development of engineering construction plans for the Crestwyn Drainage project.

Motion by Mr. Uhlhorn, seconded by Mr. Chism, to accept the consent agenda as presented.

ROLL CALL: Chism – yes, Drinnon – yes, Hinely – yes, Palazzolo-yes, Uhlhorn-yes. Motion approved.

Motion by Mr. Drinnon, seconded by Ms. Hinely, to congratulate and show appreciation to Andy Pouncey who organized and directed the Great Race and to Pam Beasley and her staff who did such a fine job on the Fourth of July celebration.

ROLL CALL: Chism – yes, Drinnon – yes, Hinely – yes, Palazzolo-yes, Uhlhorn-yes. Motion approved.

ADJOURNMENT

There being no further business to be brought before the Board, the meeting was adjourned at 7:45 p.m.

Sharon Goldsworthy, Mayor

Dotty Johnson, City Clerk/Recorder