

## **BOARD OF MAYOR AND ALDERMEN**

October 24, 2016

The regular meeting of the Board of Mayor and Aldermen was held on Monday, October 24, 2016, at 6:00 p.m. in the Council Chambers of the Municipal Center.

Mayor Mike Palazzolo was present and presiding.

The following aldermen were present: John Barzizza, Mary Anne Gibson, Dave Klevan, Forrest Owens and Rocky Janda. Staff present: Pam Beasley, Michele Betty, Rodney Bright, Paul Chandler, Reynold Douglas, Butch Eder, Tim Gwaltney, David Harris, Lisa Marinos, Cameron Ross, John Selberg, Paul Turner and Steve Wilensky.

Also present were Germantown Industrial Development Board Chairman, Henry Evans and City Attorney Liaison to the Germantown Industrial Development Board, Andy Jones.

### **Call to Order**

The Mayor called the meeting to order.

### **Invocation**

Reynold Douglas gave the invocation.

### **Pledge of Allegiance**

Alderman Mary Anne Gibson led the Pledge of Allegiance.

### **Approval of Agenda**

During the executive session, the Board unanimously agreed to move Item #14 PILOT Application - Mid-America Apartments, L.P. to Item #10a, and the next item on the agenda to become Item #10b - Project Development Contract No. 1201 – Thornwood Phase V.

Motion by Mr. Janda, seconded by Mr. Klevan, to approve the agenda as amended.

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

### **Approval of Minutes**

There were no corrections to the minutes.

Motion by Mr. Klevan, seconded by Mr. Barzizza, to approve the minutes of the October 10, 2016 as written.

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

### **Special Recognition**

Beautification Commission Business Award – The Retreat at Germantown

### **Alderman Liaison Reports**

The Aldermen reported on their commissions' activities.

### **Citizens to be Heard**

Sheila Hahn, 2964 Mallard Lane, came forward to address the Board regarding clarity on which elected body determines the property to be purchased for a new school.

Stephanie Klug, 8174 Kimridge, came forward to address the Board regarding a coach using Germantown Football League letterhead to promote a citizen running for an alderman position.

**CONSENT**

**Purchase – Mowers**

The new mowers are replacements for one 2001 Walker mower and one 2005 Tennant ATLV debris vacuum. These two units have exceeded their dependable life cycle, all drive train, mower decks and debris systems have excessive wear. The new commercial mowers will be used for athletic field maintenance and the grass handling systems allow all grass clippings to be removed from fields as they are being cut which will increase mowing efficiency and provide a better manicured field.

MOTION: To approve the purchase of two new Exmark Navigator Mowers models VS730AKC48000, equipped with forty-eight inch mower decks, power dump kits and debris handling systems from 4 Seasons Equipment Company in the amount of \$26,330.92 and to declare replaced equipment as surplus property.

**Recognition of Donations – Germantown Community Library**

The following organizations have contributed these donations to the Germantown Community Library: Friends of the Germantown Community Library, Germantown Women’s Club, Kiwanis Club of Germantown, and Invisible Fence. Alcorn County Genealogical Society has contributed a donation to the Germantown Regional History and Genealogy Center.

MOTION: To approve donations of \$2,955.00 to the Germantown Community Library and a donation of \$52.00 to the Germantown Regional History and Genealogy Center and to approve Budget Adjustment 17-26.

**Change Order No. 3 – Temporary Employment Services**

The purpose of this agenda item is to request the Board’s approval for an increase in the purchase order for the continued use of a temporary employee to assist with customer service contacts related to the solid waste collection contract. The increase would be in the amount of \$6,700.00 which would bring the total authorized amount to \$39,591.11. It was anticipated that there would be increased calls resulting from start up of the new contract and the communication to residents updating them on the launch of the new contractor. While complaint calls have reduced in number since the start of the contract, there are a number of new provisions in this contract that require additional staff time to monitor compliance in addition to complaints. These include monitoring cart deliveries, complaint collection verification, review of non-collection notices and daily equipment vehicle logs.

MOTION: To approve Change Order No. 3 for temporary employment services authorizing the expenditure of an additional \$6,700.00 under the contract with ACRO Service Corp for a part-time temporary customer service employee through December 31, 2016.

**Recognition of Grant Award – Memphis Area Association of Realtors**

Economic and Community Development staff has been working with MAAR to better define Smart Growth and its benefits to the community. This Grant is part of the National Association of Realtors Smart Growth Program and will help to further these educational and engagement efforts. The grant award will be applied towards a larger event that will be held in late Q3 or Q4 of FY 2017.

MOTION: To recognize the grant award from the Memphis Area Association of Realtors to Economic and Community Development for smart growth public engagement opportunities as detailed above and in the amount of \$1,000.00 and to approve Budget Adjustment No. 17-25.

**New Equipment Addition on an Existing Wireless Transmission Facility – 7624 Poplar Pike**

The applicant is requesting approval to replace existing antennas with new antennas, along with its associated equipment, on an existing tower (WTF) that is currently owned and operated by Crown Castle.

The zoning ordinance allows for the approval of WTF co-locations and the replacement or addition of new equipment by service providers on existing towers via a streamlined approval process that includes a review by the Department of Community Development staff to insure that all ordinance and technical requirements have been met and by approval of the Board of Mayor and Alderman. There will be no changes to the ground compound space. The installation of the replacement antennas with new equipment does not require public improvements at this site. The proposed request would grant the approval necessary for Verizon to obtain a building permit and install the antennas and equipment on the existing tower within the existing compound.

MOTION: To approve the request allowing the replacement of three antennas and associated equipment for Verizon Wireless on an existing Crown Castle tower, located at 7624 Poplar Pike.

### **Transitional Reinsurance Program Payment**

To fund many of the changes and programs mandated by the Affordable Care Act, several new taxes and fees are impacting traditional insurance plans and self-funded plans across the country. One such program change was the establishment of the Transitional Reinsurance Program. Through this program, reinsurance fees are distributed to health insurance providers, such as the exchanges and the health insurance marketplace. The assumption is that insurance purchased through these providers may disproportionately attract individuals at risk for high medical cost. This reinsurance program was designed to protect these companies from losses and to help stabilize premiums. This is the third year of a three-year program. The program is funded over a three-year period through a transitional reinsurance assessment on health plan sponsors in the amount of \$20 billion and contributions from the US Treasury at \$5 billion. In 2016, the reinsurance fee for traditional insurance plans and self-funded plans is \$27 per member per year times our average plan enrollment of 767.29 equals \$20,716.83.

MOTION: To approve the full payment of \$20,716.83 for the Transitional Reinsurance program as required by the Affordable Care Act and to approve Budget Adjustment 17-27. Health Cost Solutions will make the payment for the City.

Motion by Mr. Barzizza, seconded by Mr. Klevan, to accept the consent agenda as written/amended.

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

### **REGULAR**

Vice Mayor Owens stated his mother is an employee of Mid-America Apartments, L.P. In the spirit of transparency, Vice Mayor Owens recused himself and stepped down from the dais.

### **PILOT Application – Mid-America Apartments, L.P.**

Mr. Lawton stated one of our region's most important corporate citizens, Mid-America Apartments, L.P. ("MAA") has requested from the City's Industrial Development Board ("IDB") a Payment-in-Lieu-of-Tax ("PILOT") of fifteen (15) years, with 75% of real and personal property taxes abated.

MAA is a Tennessee Limited Partnership formed in 1993 and has been in Memphis since its establishment. Their activities include full ownership and operation of 254 multi-family properties located in the southeast and southwest United States. With a merger in 2013 and a recently announced second merger in August 2016, MAA has positioned itself to have a total market capitalization of approximately \$17 billion. This includes 2,500 total employees (167 currently in Memphis), thereby creating the largest multi-family real estate investment trust (REIT) by number of units in the United States.

Motion by Mr. Janda, seconded by Ms. Gibson, to approve a PILOT of fifteen (15) years with 75% abatement of new real and tangible personal property taxes for MAA as set forth in the provided resolution.

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

Vice Mayor Owens returned to the dais.

#### **Project Development Contract No. 1201 – Thornwood Phase 5**

Mr. Ross stated the property was rezoned from the “R” Single Family Residential District to the T-4 and T-5 districts as part of the Germantown Smart Growth Plan in 2007. The Thornwood Outline Plan was approved by the Planning Commission on April 1, 2014 and by the Board of Mayor and Aldermen on May 12, 2014.

Phase 1 of the project consisted of the interior drives, utility infrastructure and mass grading of the site. Phase 2 consists of a 5,000 square foot retail jewelry store building. Phase 3 consists of a 108 room, 4 story hotel. Phase 4 consists of 258-unit apartment complex. Phase 5 consists of 32,182 square feet of retail space, 6,156 square feet of office space and 20 apartment units.

Motion by Mr. Owens, seconded by Mr. Janda, to approve Contract Development Agreement No. 1201 – Thornwood Phase 5.

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

#### **Ordinance 2016-11 – General Amendments to the Zoning Code – First Reading and Set Public Hearing**

Mr. Ross stated the zoning code regulations were initially adopted to address community values about the use of land and buildings and have been amended over the years to adapt to new building issues, changing technology, and changing desires of residents. As the regulations are applied to real-life conditions, situations that were not originally envisioned become apparent and over-sights are discovered. Germantown staff has been monitoring the zoning code over the last two years and began a review of the Code for incorrect procedures, incorrect references to other sections, issues in the Smart Code and other needed amendments. The proposed amendments will assist with future projects and more coherent regulations.

Motion by Mr. Owens, seconded by Mr. Barzizza, to approve on first reading Ordinance 2016-11 – General Amendments to the Zoning Code and set the public hearing date for November 28, 2016.

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

#### **Acceptance of TN Department of Transportation (TDOT) Agreement for Design and Construction of Germantown Greenway Trail**

Mr. Gwaltney stated the City requested and received funding through the Memphis-MPO for design and construction of two segments of the Germantown Greenway. Those segments are Nashoba Park to the trail head just east of Kimbrough and Cameron Brown Park to the future trail head just west of Farmington Boulevard. For the Nashoba Park segment, the City requested Transportation Alternative Program funds that are 80% reimbursable. For Cameron Brown to Farmington Boulevard, the City requested Surface Transportation Program funds, also 80% reimbursable. The total funding for both segments of trail is \$2,429,380.01 and was combined into a single project as outlined in the TDOT agreement.

Motion by Mr. Owens, seconded by Ms. Gibson, to approve a TDOT Agreement in the amount of \$2,429,380.01 for design and construction of two segments of the Germantown Greenway.

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

**Forest Hill – Irene (FHI) Road Improvements Professional Services Agreement**

Mr. Gwaltney stated Forest Hill-Irene Road is considered a major north/south roadway within the eastern City Limits of Germantown. The roadway extends from Wolf River Boulevard on the northern end of the City to the southern limits of the City south of Winchester Road. As residential subdivisions and commercial areas developed through the years, the road has been improved along the frontages of those developments. However, the 2-lane rural cross section road remains along areas that have not developed. The “saw-tooth” pattern of 4-lanes to 2-lanes and vice-versa has resulted in unsafe driving conditions. In the segment north of Poplar, there are vertical curves that limit sight distance. No shoulders exist and the roadside ditch is immediately adjacent to edge of pavement, leaving virtually no recovery zone.

Motion by Ms. Gibson, seconded by Mr. Barzizza, to approve a professional services agreement with Gresham Smith and Partners in the amount of \$134,955.00 for engineering services related to the Forest Hill-Irene Road Improvements project.

ROLL CALL: Barzizza-yes, Gibson-yes, Klevan-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