

BOARD OF MAYOR AND ALDERMEN

July 27, 2015

The regular meeting of the Board of Mayor and Aldermen was held on Monday, July 27, 2015 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 and Forrest Owens. Alderman Rocky Janda was absent. Staff present: Patrick Lawton, Debra Wiles, Chief Richard Hall, Fire Chief John Selberg, Reynold Douglas, Daniel Page, Cameron Ross, Tim Gwaltney, Pam Beasley, Butch Eder, Bo Mills, Steve Wilensky, Lisa Piefer and Dotty Johnson.

Call to Order

Mayor Palazzolo called the meeting to order.

Invocation

Finance Director Ralph Gabb gave the invocation.

Pledge of Allegiance

Alderman Dave Klevan led the Pledge of Allegiance.

Approval of Agenda

During the Executive Session the Board agreed to make the following changes to the agenda:

No. 10 – Civic Support Grant – Germantown Arts Alliance, No. 11 – Chamber of Commerce Grant, and No. 15 – Funding for Grandstand Replacement –Houston High School were moved to consent agenda. No. 12 – Acceptance of Revised GPAC Bylaws and No. 14 – Professional Services Agreement – Forest Hill Heights Small Area Plan were both deferred to a later meeting date.

Motion by Ms. Gibson, seconded by Mr. Barizza, to approve the agenda as amended.

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

Approval of Minutes

There were no corrections or additions to the minutes.

Motion by Mr. Klevan, seconded by Ms. Gibson, to approve the minutes of the Board of Mayor and Aldermen meeting held July 13, 2015 as written.

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

Proclamation – Girl Scout Month

Mayor Palazzolo asked all the Girl Scouts and leaders in the audience to come forward. There were 10 girls present and 3 leaders. The Mayor read a proclamation declaring August as Girl Scout Month in the City.

Citizens to be Heard

Robert Fogelman, 744 S. White Station Rd., Memphis 38117, read a letter to the Board regarding the Travure PUD Project Land asked that it be made a part of the minutes:

July 23, 2015

Board of Mayor and Aldermen
City of Germantown
1930 South Germantown Road
Germantown, TN 38138-2815

SENT VIA E-MAIL

RE: Travure PUD Project (Case Number 15-524)

Members of the City of Germantown Board of Mayor and Aldermen:

I am writing to you in my capacity as managing member of Westminster Properties LLC, owner of the 8.213 acres of land directly west of the proposed project referenced above. The more specific address of our property is 6755 Poplar Avenue, Germantown, TN.

It is my understanding that your Board will be considering and possibly voting on the Outline Plan for the project referenced above in your July 27, 2015 meeting. I have sent two (2) letters over the past several weeks to the Germantown Planning Commission expressing my opposition to the Travure PUD Project plan as it is now designed. These two (2) letters are attached for your review and provide the relevant details of what has transpired to date in my dealings with the Travure PUD Project developer.

As I wrote in both letters to the Planning Commission, I remain vehemently opposed to the Travure PUD Project as presently designed. My land planning advisors and I remain concerned with the road alignment and the likelihood that it will damage the future redevelopment of our property at 6755 Poplar Avenue, and as such, limit the potential of a successful overall development of the Western Gateway for the City of Germantown.

I have made it clear from the beginning of this process that I am willing to work with the Travure PUD Project developer to arrive at a mutually beneficial alignment of the internal road system that will ultimately connect Kirby Road to Poplar Avenue. Unfortunately, the developer has made no meaningful effort to offer solutions to this issue. Over and over again, I have been told that the road alignment cannot change and that the current and proposed road alignment must remain static. This is simply not the case, and as such, I urge the City of Germantown to work with all interested parties in the process to arrive at a more strategic outcome for the road alignment.

I thank you for taking my concerns under advisement.

Respectfully submitted,
Robert F. Fogelman II President

He felt that all involved should work together to maximize value for all property owners in the City. He asked the Board to consider the circulation of access issues that concern the ownership of Germantown developers.

Hank Hogue, 6917 Sugar Maple Cove, Memphis 38119, stated that the developer had addressed the Board of Directors of the Green Trees Civic Association. All their concerns were answered and representing the 500 homeowners immediately south of the development they were in support of the project.

Peter Kinsella, 9335 Jayne Lewis Cove, 38133, representing the Nottoway Homeowners Association read a letter from their association highlighting several items of particular interest to the homeowners. They included:

1. The 25' Landscape Buffer along the east border of Travure must be effective and of the highest quality, incorporating mature plantings.
2. The 5 story Parking Garage (with 2 floors underground) located only 50' from the boundary between Travure and Nottoway, must be designed in such a manner as to respect the privacy of Nottoway residents, and to prevent noise and light from disturbing the very nature of a single family residential development. The east wall of the Parking Garage should be constructed as a solid wall with appropriate decorative design features.
3. The Access Road immediately to the east of the Parking Garage is positioned only 25' from the Nottoway property line. As currently presented, it appears that this Access Road is likely to

become a common or perhaps preferred option from entering and exiting the Parking Garage, creating the potential for excessive vehicle noise and lights, as well as potentially dangerous traffic congestion in the area on Poplar close to Nottoway's west entrance onto Hazelton Drive. As currently designed, the potential also exists for service and delivery vehicles to utilize this Access Road, creating a potentially intolerable situation with respect to noise. The developer should be able to provide for emergency vehicle access with an alternative design.

4. Travure should construct a brick/masonry wall 8' in height along the property line between Travure and Nottoway. This wall should be in keeping with the wall constructed during the Whole Foods development. The current 8' wood fence is inadequate, and is not in keeping with the quality design characteristics of the Travure development, nor does it represent an appropriate noise, light or security boundary between Nottoway's single family residential homes and the new commercial development.

Mr. Hogue stated these items were addressed at the July 7 Planning Commission Meeting but there was no indication to address these issues. There had only been two meetings with Brown Gill and his team. One on June 24th and on July 23rd. He asked that an additional study be given to these issues.

CONSENT

Purchase – Bulk Asphalt

Public Works crews pick up hot asphalt mix that is required for the job each day as needed at the vendor's closest distribution plant location to the construction site. This will be the first of two option years to purchase hot asphalt mix from Standard Construction Company and from Lehman Roberts.

MOTION: To enter into the first of two option years to purchase 1,000 tons of 411D hot asphalt mix from Standard Construction Company, Inc. in the amount of \$60,500.00 and 1,500 tons of 4D hot asphalt mix from Lehman Roberts in the amount of \$85,500.00 for a total of \$146,000.00.

Annual Agreement – U.S. Geological Survey

The Annual USGS Agreement provides the equipment and expertise necessary to monitor, record, sample and report on the conditions and any changes in the City's two well fields. The total cost for this agreement is \$2,100 with Germantown contributing \$11,200 and the USGS contributing \$9,900 in matching federal funds.

MOTION: To authorize the Mayor to execute a Contract Renewal Agreement with the U.S. Geological Survey in the amount of \$11,200.00.

Ammunition for Police Department

Members of the Police Department are required by the POST Commission to qualify with their duty weapon, off duty weapon, shotgun and patrol rifles each year. This ammunition will allow each officer the availability to be proficient with their weapon.

MOTION: To approve the purchase of ammunition per the TN SWC No. 33 from Craig's Firearm Supply in the amount of \$6,897.52, Precision Delta Corp. in the amount of \$251.00 and Gulf States Distributors Inc. in the amount of \$26,269.00 for a total cost of \$33,417.52.

Professional Services Agreement – Great Hall Lobby Renovations

This PSA will provide final plans for bidding. The design scope includes plans and specifications for additional structural, flooring to cover fitness room stairwell, electrical, mechanical, interior finishes, and construction administration.

MOTION: To authorize the Mayor to enter into a professional services agreement with Ross Witt, PLLC in the amount of \$14,950.00 for the Germantown Great Hall lobby renovations.

Final Payment – Water Main Improvements – TDOT Poplar Ave. Widening Project – Miller Farms Rd. to Dogwood Rd.

In October 2014, TDOT billed the City for \$245,063.89 for costs incurred for water main improvements associated with TDOT's Poplar Avenue Widening Project. The funding approved by the Board with the Utility Relocation Contract in September of 2010 was never encumbered or the funds were taken off the books after several years of no activity. Since the funding was not included in the current year budget, the City proposed that it be allowed to make two payments, one for \$195,822.50 that was originally approved by the Board and the second payment after June 30, 2015 so that the funds could be included in the FY16 CIP budget. TDOT approved and this is the second payment for \$49,241.39.

MOTION: To authorize final payment to the Tennessee Department of Transportation for water main improvements from Miller Farms Road to Dogwood Road in the amount of \$49,241.39.

Approval of Library donations – Germantown Community Library

Donations have been made to the Germantown Regional History and Genealogy Center from the Tennessee Genealogical Society in the amount of \$425.00. Donations were also made to the Germantown Community Library from Germantown Women's Club - \$1,000, Mark Ruleman - \$50.00 and anonymous donation of \$10.00 totaling \$1,060.00.

MOTION: To recognize donations made to the Germantown Community Library in the amount of \$1,060.00 and to the Germantown Regional History and Genealogy Center in the amount of \$425.00 and to approve Budget Adjustment No. 16-4.

Municipal Financial Advisor

Two firms submitted a proposal to serve as the City's municipal advisor. After a complete analysis and comparison of business structures, financial services and expertise, it was determined that Public Financial Management (PFM) is better suited to provide the advisory services sought by the City. PFM has served the City as Financial Advisor for 26 years and provided advice on 16 bond issues totaling over \$100 million.

MOTION: To authorize the City to extend the contract with Public Financial Management, Inc. to serve as the City's Financial Advisor at the fee levels proposed for an upcoming municipal bond issuance and retainer for \$12,000.00 for FY16.

Amendment to Declaration of Trust – Other Post-Employment Benefits

In 2008, the State of Tennessee Comptroller of the Treasury approved the establishment of an Other Post Employment Benefit Trust and proposed the appropriate format for the creation of the Trust. Since the approval of the City's Trust there have been changes to the language as prescribed by the Comptroller. The Comptroller has requested all governmental entities using the Comptroller's OPEB Trust format to amend Section 4.1.

MOTION: To adopt the changes to the OPEB Declaration of Trust which state the "Trust shall be irrevocable and the assets hereof" in section 4.1 as prescribed by the Tennessee Comptroller.

Civic Support Grant – Germantown Arts Alliance

The Germantown Arts Alliance relies solely on state and local governmental support as well as that of local citizens. This is a \$40,000 grant from the City that goes to Germantown schools and arts organizations in the City.

MOTION: To award a grant to the Germantown Arts Alliance in the amount of \$40,000.00.

Chamber of Commerce Grant

The City has been an active partner with the Chamber promoting business growth and development. Over the past several years the City's financial support has taken the form of an annual sponsorship to support the Chamber's activities. The request from the Chamber for FY16 is \$12,750.00.

MOTION: To approve a grant in the amount of \$12,750.00 to the Germantown Area Chamber of Commerce.

Funding for Grandstand Replacement - Houston High School

The Houston Mustang Bullpen Club approached the City regarding a grant in the amount of \$15,000.00 from the City to go toward the replacement of the grandstand seating at Mustang Field. The adopted FY16 budget includes in the Civic Support Cost Center an allocation of \$15,000.00 for this purpose.

MOTION: To approve a grant to the Houston Mustang Bullpen Club in the amount of \$15,000.00 for improvements made to Mustang Field. Said funding will be provided upon receipt of invoices outlining the work at Mustang Field associated with this project completed to date.

Motion by Mr. Barzizza, seconded by Ms. Gibson, to accept the Consent Agenda as presented.

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

REGULAR AGENDA

Ordinance 2015-8 – Amendment to Animal Control Ordinance – Third and Final Reading

Public Works Director Bo Mills stated this was the third and final reading of this ordinance to add to the animal ordinance. The first is the addition of a definition to define a proper shelter which will allow the Animal Shelter staff to address situations where outdoor pets are kept without proper shelter to protect them from the elements.

The second addition deals with repeat offenders where pets escape their impoundment structures. This will allow staff, after notification to animal's owner, to spay or neuter unaltered animals, at the owners' expense, that are running loose and are impounded two times within any twelve month period or a total of five times over any time period.

Motion by Mr. Barzizza, seconded by Ms. Gibson, to approve Ordinance 2015-8 Amendments to Animal Control ordinance on third reading.

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

Acceptance of Revised GPAC Bylaws - DEFERRED

Memorandum of Understanding – Houston High

Mr. Lawton explained that the Houston High School Athletics and Arts Foundation was formed to raise money for the athletic and arts facilities. Their current project is a major renovation to the football stadium including the installation of artificial turf on the field. During the deliberations for the budget for FY16, the Foundation approached the City regarding a contribution to this fund raising effort. The Board authorized an allocation of \$125,000.00 towards this purpose. However, the stipulation was that the funds would be provided to the Foundation in the form of a Challenge Grant under an approved Memorandum of Understanding between the City and the Foundation.

The MOU clearly states that the \$125,000.00 will be in the form of a Challenge Grant to be provided to the Foundation upon receipt and documentation satisfactory to the City that matching funds have been raised and received by the Foundation.

A discussion followed on what would happen if the Foundation was unable to raise the funds and Mr. Lawton explained that they must match the grant in order to receive the funds.

City Attorney Debra Wiles stated the sole purpose of the Memorandum states that the funds that the City are giving can be used only for the sole purpose of replacing the turf at the football field and improving the football stadium. If the entire amount is raised, the school cannot use these funds for any other purpose.

Motion by Mr. Owens, seconded by Ms. Gibson, to authorize the Mayor to execute the Memorandum of Understanding between the City of Germantown and the Houston High School Athletics and Arts Foundation, Inc. for the release of a Challenge Grant in the amount of \$125,000.00 upon receipt and verification from the Foundation satisfactory to the City that the matching funds have been received by the Foundation.

ROLL CALL: Barzizza-yes, Gibson-yes, Klevan-no, Owens-yes, Janda-absent. Motion approved.

Professional Services Agreement – Forest Hill Heights Small Area Plan - DEFERRED

Resolution 15R13 – Travure Planned Unit Development Outline Plan

Economic and Community Development Director Cameron Ross explained this is to be a multi-phased, mixed use development of retail, office, and hotel uses. It will incorporate an internal north-south and east-west street layout connecting Poplar and Kirby Parkway.

The eastern 150 feet of the property is within the T4-R district, which allows residential uses and/or parking facilities (either parking structure or surface parking), and requires a 50 foot building setback, including a 25 foot landscape screen. This development has chosen to go by the parking structure in that area as well as a parking field. The maximum building height is 3 stories and allows 5 story buildings (six stories with warrant).

Resolution 15R13

**A RESOLUTION TO APPROVE THE
TRAVURE PLANNED UNIT DEVELOPMENT**

WHEREAS, Gill Poplar GP and Germantown Hotel Group, LLC propose the development of 10 acres located on the south side of Poplar Ave. approximately 750 east of Kirby Parkway into a Planned Unit Development (PUD) to be known as Thornwood PUD; and

WHEREAS, the developer requests approval of the PUD so as to modify the standard development and building requirements to meet current development objectives; and

WHEREAS, the Planning Commission on July 7, 2015, reviewed the request for the proposed PUD and concluded it complied with the standards and criteria for a PUD as set out in Division 19 (Planned Unit Development) of Chapter 23 (Zoning) of the Germantown Code of Ordinances, and recommended approval of the request.

NOW, THEREFORE, BE IT RESOLVED by the City of Germantown that the Travure Planned Unit Development be approved.

Ms. Brenda Solomito Basar with Solomito Land Planning and working with Gill Properties came forward and stated they had been in conversation with many of the neighbors. She stated there were a couple of things that they had not agreed to and that is lighting and landscaping and these things will be worked out. There will be a meeting on August 3rd with the Fire Department, Engineering staff and Planning staff to talk about two of the concerns listed in the letter and they will try and accommodate the neighbors provided it does not violate any Germantown regulations or ordinances. The road and whether the wall will be solid or not they hope will be resolved at that meeting with staff. Ms. Basar stated they were working on the solid brick wall.

Ms. Basar stated that it was a consensus that the masonry brick wall would be constructed.

Motion by Mr. Owens, seconded by Mr. Klevan, to approve Resolution 15R13 for the Travure PUD outline plan.

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

ADJOURNMENT

The meeting was adjourned at 7:50 p.m.

Mike Palazzolo, Mayor

Dotty Johnson, City Clerk/Recorder