

BOARD OF MAYOR AND ALDERMEN

July 25, 2016

The regular meeting of the Board of Mayor and Aldermen was held on Monday, July 25, 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, Assistant Chief Rodney Bright, Paul Chandler, Reynold Douglas, Butch Eder, Tim Gwaltney, David Harris, Patrick Lawton, Bo Mills, Christy Nini, Daniel Page, Lisa Piefer, Cameron Ross, Chief John Selberg, Paul Turner and Steve Wilensky.

Call to Order

The Mayor called the meeting to order.

Invocation

Reynold Douglas gave the invocation.

Pledge of Allegiance

Alderman Klevan led the Pledge of Allegiance.

Approval of Agenda

During the executive session, there was one change to the agenda. Item 9c on the Consent Agenda – Competitive Sealed Proposal Authorization - was moved to Regular Agenda as Item 17.

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

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

Approval of Minutes

There was one correction to the minutes. The roll was corrected to reflect Mr. Klevan as absent.

Motion by Mr. Janda, seconded by Ms. Gibson, to approve the corrected minutes of the Board of Mayor and Aldermen meeting held July 11, 2016.

Mr. Klevan was absent at the last meeting and abstained from voting.

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

Special Recognition - Food Truck Music Festival

Mr. Chandler stated GPAC tested a large event in the GPAC Grove on June 5, 2016. This first large event had an attendance of over 2,500 people. Numerous citizens and visitors complimented the event and asked about future large outdoor events. Mr. Chandler presented the Food Truck & Music Festival video which will be used in promotional and fundraising efforts for GPAC and the development of the GPAC Grove.

Aldermen Liaison Reports

The Aldermen reported on their commission activities.

Citizens to be Heard

Ms. Stephanie Brockway, 8981 Dogwood Road, came forward as Executive Director of the Germantown Education Foundation to share information regarding the Treasures for Teachers program and to encourage community participation. Every year the State of Tennessee gives teachers only \$200 for curriculum based items to be used in the classroom and mandates that half of this money be given to a specific school. The Education Foundation wants to match this \$100 and partner with the Knowledge Tree for an additional \$20. Over \$17,000 has been collected so far.

CONSENT

On-Call Contract for Collection of Yard Waste – Michael’s Tree & Loader

The City experienced an increase in the number of complaints from residents resulting from missed services during the collection of solid waste by the former contractor, Inland Waste Solutions. In order to ensure that solid waste was collected in a timely manner per the terms of the contract, the City established additional contracts to provide for on-call collection of solid waste and yard waste. The City entered into an emergency contract with Michael’s Tree & Loader, LLC to provide yard waste collection on an on-call basis.

MOTION: To approve an increase in the authorized expenditure amount from the current amount of \$160,000.00 to \$184,000.00 under the existing on-call solid waste collection contract with Michael’s Tree & Loader, LLC (MTL) for the collection of yard waste.

Acceptance of the Report on Debt Obligation

On June 13, 2016, the Board of Mayor and Aldermen authorized the Mayor to execute an interfund loan agreement between the City and the Germantown Municipal School District for the purchase of computers. As part of state compliance, the City is required to submit a Report on Debt Obligation that indicates the interfund loan complies with the City’s debt policy. The purpose of this agenda item is to ask the Board of Mayor and Aldermen to accept the Report on Debt Obligation and authorize the City to send the report to the Office of State and Local Finance.

MOTION: To accept the Report on Debt Obligation for the purchase of school computers and to direct Administration to send a copy of report to the Director of State and Local Finance.

Adoption - Drought Management Plan

The purpose of this agenda item is to request Board authorization for the adoption of the Tennessee Department of Environment and Conservation (Division of Water Resources) Drought Management Plan for the City of Germantown Water System. On June 2, 2016, the Public Works Department received notification from TDEC regarding a Tennessee Public Water Systems update. The Governing Rules for Public Water Systems (ID # 0400-45-01) require some amendments and key requirements for meeting the State of Tennessee safe water drinking standards. The submittal dates for the drought management plans are staged based upon the water system size serving 3,000 or more connections including consecutive systems: June 30, 2016.

MOTION: To adopt the Tennessee Department of Environment and Conservation (Division of Water Resources) Drought Management Plan for the City of Germantown Water System.

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. Currently the Police Department qualifies three times each year with their duty weapon and patrol rifle and once a year with the shotgun and off duty weapon. This ammunition will allow each officer the availability to be proficient with their weapon. The purpose of this agenda item is to request authorization to purchase ammunition for the Police Department for State required firearms qualifications, duty ammunition and training ammunition from the Tennessee Statewide Contract # 331.

MOTION: To approve the purchase of ammunition from Craig's Firearm Supply, Precision Delta Corp. and Gulf States Distributors Inc. in the amount of \$13,219.29.

Automated Fingerprint Identification System Upgrade

The Germantown Police Department is required by the State of Tennessee to utilize an automated fingerprint identification system to fingerprint every adult arrested. Fingerprints are captured and sent to the Tennessee Bureau of Investigation for evaluation and stored in a data base for future reference.

MOTION: To authorize the purchase of an Automated Fingerprint Identification System (AFIS) upgrade and maintenance plan for the City's Law Enforcement Records Management System from Cross Match Technologies, Inc. in the amount of \$13,647.00 and declare the replaced equipment as surplus.

Asphalt Compactor Purchase

This is a replacement for a 1999 Ingersoll-Rand DD32 Asphalt Compactor. Current compactor has exceeded its dependable life cycle and parts availability has become a problem because Ingersoll-Rand no longer manufactures asphalt rollers. The City utilizes asphalt rollers for street repairs and preventive maintenance as required.

MOTION: To approve the purchase of a 2016 Caterpillar Asphalt Compactor Model CB24B from Thompson Machinery Company in the amount of \$44,810.71 and declare unit 943 a 1999 Ingersoll-Rand DD32 Asphalt Compactor as surplus property.

On-Call Professional Services Agreement – Kimley Horn & Associates

The City does not have an in-house traffic engineer and Kimley Horn & Associates (KHA) is recognized nationally as an industry leader in the field of transportation. Their local knowledge of the regional transportation network has been a tremendous asset to the City through the years. Typical services under the agreement have included traffic/transportation studies, traffic impact analyses, striping plans, signal timing assistance and assistance in various Memphis-Metropolitan Planning Organization matters.

MOTION: To authorize the Mayor to enter into a Professional Services Agreement for On-Call Engineering Services with Kimley-Horn & Associates, Inc. in an amount not to exceed \$40,000.00 for FY17.

Chilled Water Piping Replacement – City Hall

On the morning of Wednesday, July 13, Facility Services staff exposed, by hand digging, the source of water that was flowing in the emergency generator yard. This leak was causing water flow into the emergency generator's day tank. Staff discovered steel piping with welded fittings. Upon digging deeper, it was found that one of two underground chilled water pipes was leaking profusely and immediate repairs were deemed necessary. The General Services Director contacted Metro Mechanical to perform a temporary repair so that the work spaces inside City Hall would still have cooling available. The steel piping has deteriorated and replacing both pipes will provide a longer lasting repair.

MOTION: To authorize payment to Metro Mechanical Contractors Inc. in the amount of \$18,103.00 for emergency chilled water HVAC piping replacement in the City Hall building.

Field Usage Agreement

The BMA is asked to consider the adoption of the Facility Usage Agreement for the three Shelby County Schools (SCS) located in Germantown (Germantown High School, Germantown Middle School and Germantown Elementary School) providing them the ability to secure scheduled use of certain City-owned park facilities; AND, for the City of Germantown Parks and Recreation Department to schedule and utilize SCS indoor spaces for community recreation and sports programs for the FY17 term.

MOTION: To authorize the Mayor to execute the Facility Usage Agreement for the use of certain City park facilities with the Shelby County Board of Education and the use of indoor space in the three Germantown SCS schools by the City of Germantown Parks and Recreation Department for the FY17 term.

Motion by Mr. Janda, seconded by Mr. Barzizza, to accept the consent agenda as read.

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

REGULAR

Ordinance 2016-6 - Amendments to Sign Ordinance related to Temporary Signage – Third and Final Reading

Ms. Gibson is a realtor and recused herself from the dais.

Mr. Ross stated that in an effort to simplify and create standardized regulations for temporary signage in residential and commercial districts that are in line with recent U.S. Supreme Court decisions, the Design Review Commission (DRC), City staff and DRC counsel prepared the amendments shown below to the Germantown Sign Ordinance Temporary Sign regulations.

District	Front Yard Setback Requirements	Proposed Temporary Signage Size	Height Above Grade
Neighborhood Commercial (C-1)	60 feet (no parking in first 20) / 40 feet with no front parking	6 SF with parking; 16-32 SF without	8
General Commercial (C-2)	60 feet (no parking in first 20) / 40 feet with no front parking	6 SF with parking; 16-32 SF without	8
Shopping Center (SC-1)	60 feet (no parking in first 20) / 40 feet with no front parking	6 SF with parking; 16-32 SF without	8
Office (O)	60 feet (no parking in first 20) / 40 feet with no front parking	6 SF with parking; 16-32 SF without	8
Office (O-51)	60 feet (no parking in first 20) / 40 feet with no front parking	6 SF with parking; 16-32 SF without	8
Smart Code (T3, T4, T5, T6)	less than 30 unless on Poplar Avenue or Germantown Road	6 SF; 12-16 SF on Poplar or Germantown	8
Residential Estate (RE)	10 feet from back of curb or street edge	8 Square Feet	8
Residential Estate (RE-1)	10 feet from back of curb or street edge	8 Square Feet	8
Residential (R)	10 feet from back of curb or street edge	6 Square Feet	6
Single Family Residential (R-1)	10 feet from back of curb or street edge	6 Square Feet	6
Single Family Residential (R-2)	10 feet from back of curb or street edge	6 Square Feet	6
Two Family Residential (R-3)	10 feet from back of curb or street edge	6 Square Feet	6
Residential Townhomes (R-T)	10 feet from back of curb or street edge	6 Square Feet	6
Retirement Housing (RH)	10 feet from back of curb or street edge	6 Square Feet	6
Old Germantown (OG)	10 feet from back of curb or street edge	6 Square feet	6
Old Germantown (OG-1)	10 feet from back of curb or street edge	6 Square feet	6

Motion by Mr. Klevan, seconded by Mr. Owens, to approve on third reading Ordinance 2016-6, amendments to the Germantown Sign Ordinance related to temporary signs attached hereto.

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

Ms. Gibson returned to the dais.

Ordinance 2016-7 – Amendments to Wireless Transmission Facilities – Second Reading and Public Hearing

Mr. Ross stated Germantown’s current regulations limit the height of wireless transmission facilities to 100 feet and require a “fall zone” of 10 feet higher than the antennae. Working with Germantown residents and stakeholders as part of the Forward 2030 Strategic Plan process and discussions with Germantown Police and Fire, it became apparent that there are many areas of the City that are underserved in coverage and capacity by wireless transmission facilities.

Mayor Palazzolo asked citizens to come forward to address the Board during the Wireless Transmission Facilities Ordinance Public Hearing.

Mr. Andrew Mullis, 2203 Cordes, stated he has slim to no cell coverage and does not have a landline. He has to stand on his front porch to use his cell phone. His cell phone is provided by his employer and he is not able to switch carriers.

Mr. Steve Tenhundfeld, 8381 Barncliff Cove, stated he can tell what is going on with the neighbors because they are outside searching for a strong cell signal. He is concerned that he will not be able to use his cell phone during an emergency.

Mr. Joe Fortgang, 8368 Barncliff Cove, stated he has had two vendors and neither provides adequate coverage. He has to stand in the yard to get a strong signal. He is concerned about the schools not having cell service.

Ms. Connie Wilson, 2301 Kilbirnie, and her husband have employer-provided phones from two vendors and have cell boosters that are costly. These are starting to fail and will have to be replaced. When contractors come to their house to make repairs, they have to leave to use their cell phones.

Ms. Kathleen Patterson, 8444 Paget Court, has grandchildren in Germantown schools and is concerned about no cell service in the schools.

Mr. Charles Pintner, 2398 Willinghurst Drive, lives behind Dogwood Elementary School. He is concerned about no cell service in the schools. He stated the vendors are saying the City won't do anything to help with the lack of service. The answer is not buying repeaters for the house but have the vendors get something done.

Mr. Michael Stoll, 2546 Regents Walk, fully supports the change in tower height. He has to step outside his house to get cell service.

Mayor Palazzolo closed the public hearing.

Motion by Ms. Gibson, seconded by Mr. Barzizza, to approve on second reading Ordinance 2016-7, amendments to the Germantown ordinance related to wireless transmission facilities.

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

Ordinance 2016-8 – Amendments to Zoning Ordinance Transient Dwelling – Second Reading and Public Hearing

Mr. Ross stated Germantown's current regulations do not address concerns that have been raised regarding short term transient housing in the neighborhoods of Germantown. The following amendment to the Germantown Zoning Ordinance is proposed to preserve the existing character of Germantown's neighborhoods and manage any transient dwellings that may be operating within the City's neighborhoods.

Mayor Palazzolo asked citizens to come forward to address the Board during the Transient Dwelling Ordinance Public Hearing.

Having no citizens come forward, Mayor Palazzolo closed the public hearing.

Motion by Mr. Barzizza, seconded by Ms. Gibson, to approve on second reading Ordinance 2016-8, amendments to the Germantown zoning ordinance regarding transient dwellings and transient guests.

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

Ordinance 2016-9 – Forest Hill Heights Smart Code Overlay – Second Reading and Public Hearing

Mr. Ross stated the purpose of this agenda item is to approve the Smart Code overlay for the Forest Hill Heights Small Area Plan encompassing all the properties located between Forest Hill and the east City limits south of Winchester Drive and the area between the western boundary of 9540 Winchester and the eastern boundary of the City of Germantown north of Winchester to Poplar. Forest Hill Heights, constituting 310.7 acres near the southern City limits and 385, is strategically positioned to play a significant role in the future of Germantown's economic growth and vitality.

Mayor Palazzolo asked citizens to come forward to address the Board during the Smart Code Overlay Ordinance Public Hearing.

Dr. Mahir Awdeh, 3487 Classic Drive, is the owner of the T3/T4 property. He initially wanted the property to be zoned as T4; however he changed his mind after speaking with Mr. Ross and is now in favor of the T3/T4 division.

Mayor Palazzolo closed the public hearing.

Motion by Mr. Owens, seconded by Mr. Barzizza, to approve on second reading Ordinance 2016-9, the rezoning of the properties within the Forest Hill Heights Small Area Plan.

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

Wolf River Boulevard and Germantown Road Intersection Improvements Project Amendment 1

Mr. Gwaltney stated the intersection of Wolf River Boulevard and Germantown Road (S.R. 177) is one of the most heavily congested intersections within the entire Memphis-Metropolitan Planning Organization area. The latest available volume counts indicate an Annual Average Daily Traffic of over 75,000 vehicles per day. Excessive delays at all times of the day prompted the City of Germantown to request federal funding for improvements to add capacity and increase efficiency of the intersection.

Motion by Mr. Barzizza, seconded by Mr. Owens, to approve Amendment 1 in the amount of \$488,400.00 to the existing TDOT Local Programs contract for the Wolf River Boulevard and Germantown Road Intersection Improvements Project which increases the contract amount from \$1,370,000.00 to \$1,858,400.00.

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

Wolf River Boulevard and Germantown Road Intersection Improvements Project - ROW Negotiation

Mr. Gwaltney stated the purpose of this agenda item is to consider approval of a Professional Services Agreement in the amount of \$124,775.00 with Stanfield Consultants, Inc. for property negotiation and acquisition services related to the Wolf River Boulevard and Germantown Road Intersection Improvements Project.

Motion by Mr. Janda, seconded by Ms. Gibson, to approve a professional services agreement with Stanfield Consultants, Inc. in the amount of \$124,775.00 for property negotiation and acquisition services related to the Wolf River Boulevard and Germantown Road Intersection Improvements.

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

Wolf River Boulevard and Germantown Road Intersection Improvements Project Agreement Supplement

Mr. Gwaltney stated the purpose of this supplement is to account for additional properties that were not in the original fee proposal. The additional properties will add significantly to the effort related to plat preparations and field surveying/staking. The scope includes all tasks necessary to complete construction drawings and construction cost estimates. Staff has thoroughly reviewed the scope/fee and is of the opinion the scope adequately covers the City's needs and believes the fee to be reasonable for the magnitude of the project. The City budgeted for these supplemental services in its FY17 CIP.

Motion by Mr. Janda, seconded by Mr. Barzizza, to approve Supplement No. 2 to a professional services agreement with Buchar-Horn, Inc. in the amount of \$122,379.00, increasing the contract amount from \$140,009.00 to \$262,388.00 for design services related to the Wolf River Boulevard and Germantown Road Intersection Improvements project.

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

Competitive Sealed Proposal Authorization – Classification & Compensation Consulting Services

Mr. Wilensky stated the purpose of this agenda item is for the Board of Mayor and Aldermen to authorize the City to use the competitive sealed proposal process for procuring consulting services to perform a comprehensive Classification & Compensation study.

Motion by Mr. Owens, seconded by Mr. Klevan, to authorize the City to use the competitive sealed proposal process for procuring consulting services to perform a comprehensive Classification & Compensation study.

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

Meeting adjourned.

Mike Palazzolo, Mayor

Michele Betty, City Clerk/Recorder