

BOARD OF MAYOR AND ALDERMEN

September 25, 2017

The regular meeting of the Board of Mayor and Aldermen was held on Monday, September 25, 2017, at 6 p.m. in the Council Chambers at City Hall.

Mayor Mike Palazzolo was present and presiding.

The following aldermen were present: John Barzizza, Mary Anne Gibson, Dean Massey and Rocky Janda. Staff present: Tim Bierdz, Michele Betty, Rodney Bright, Paul Chandler, Reynold Douglas, Butch Eder, Tim Gwaltney, David Harris, Jason Huisman, Patrick Lawton, Bo Mills, Daniel Page, Lisa Piefer, Phil Rogers, Cameron Ross, John Selberg, Paul Turner and Steve Wilensky.

Call To Order

The Mayor called the meeting to order.

Invocation

Bo Mills gave the invocation.

Pledge of Allegiance

Patrick Lawton led the Pledge of Allegiance.

Approval of Agenda

During the executive session, the Board unanimously agreed to approve the agenda as written.

Motion by Mr. Janda, seconded by Ms. Gibson, to approve the agenda as written.

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

Approval of Minutes

There were no corrections to the minutes.

Motion by Mr. Janda, seconded by Mr. Barzizza, to approve the September 11, 2017 minutes as written.

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

Special Recognition

Beautification Commission Business Award

The Hampton Inn & Suites by Hilton, located at 1680 South Germantown Road, was presented the September Beautification Commission Award.

Donation – Germantown Community Library

The following individuals and organizations have made the following donations to the Germantown Community Library: Friends of the Germantown Community Library - \$514.00; Germantown Women's Club - \$500.00; Memphis Calligraphy Guild - \$300; Virginia Schoenster and Fran Costa - \$50.00 and an anonymous donation - \$39.00.

Motion by Ms. Gibson, seconded by Mr. Barzizza, to approve donations of \$1,403.00 to the Germantown Community Library and to approve Budget Adjustment No. 18-13.

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

Alderman Liaison Reports

The Aldermen reported on their commission activities.

Citizens to be Heard

No citizens came forward.

Mayor Palazzolo adjourned the Board of Mayor and Aldermen meeting and convened as the Beer Board.

BEER BOARD

Public Hearing– Beer Permit – Manufacture and Sell Beer for On/Off Premise – Rock ‘N Dough Pizza

The City has received a request from Rock ‘N Dough Pizza Company, LLC. for a permit to manufacture and sell beer for on/off premise consumption at Rock ‘N Dough, located at 7850 Poplar Avenue, Suite 8.

Mayor Palazzolo asked citizens to come forward to address the Board during the public hearing. No citizens came forward. Mayor Palazzolo closed the public hearing.

Motion by Mr. Janda, seconded by Mr. Barzizza, to approve the request of Rock ‘N Dough Pizza Company, LLC. for a permit to manufacture and sell beer for on/off premise consumption at Rock ‘N Dough, located at 7850 Poplar Avenue, Suite 8.

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

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

CONSENT

Purchase - Mobile Vision – In-Car Video Systems

In-car video systems allow the Police Department to use video technology in daily field operations. The use of this equipment would enhance the ability of the department to review probable cause for arrest, arrest procedures, evaluate officer performance, identify training needs, and either substantiate or exonerate officers accused of inappropriate conduct or behavior. The equipment is another component of officer safety. These six in-car video units are additional units to be installed into six new replacement vehicles.

MOTION: To approve the purchase of six (6) Mobile Vision Flashback HD digital in-car video surveillance systems from L3 Communications, Mobile Vision Inc., in the amount of \$26,970.00.

Purchase - Hot Asphalt Mix

Staff requested approval to purchase the asphalt from Standard Construction Co., Inc. Lehman Roberts will be used as a secondary source for product when production plants are out of operation for seasonal maintenance. Hot asphalt mix is used primarily for street maintenance repairs, temporary pothole repairs, utility cuts, parks and grounds trail repairs and stormwater maintenance projects.

MOTION: To authorize the mayor to enter into a ten-month contract with two (2) twelve month extensions, at the City’s option, with Standard Construction Company, Inc. for the purchase of 2,500 tons of 411D hot asphalt mix in the amount of \$118,250.00.

Contract – Extension No. 1 – Public Safety Uniforms

Members of the Police and Fire Departments are required to wear designated uniforms in the performance of their duties. Each member of the Police and Fire Departments has an allotted amount for the purchase of the uniforms. The uniform bid was received and approved by the Board of Mayor and Aldermen in October of 2015 for a one year contract with four additional option years.

MOTION: To approve the contract extension No. 1 with Mid-South Solutions in amounts not to exceed \$65,000.00 for Police, \$30,850.00 for Fire and \$7,700.00 for Ambulance.

Grant - Germantown Area Chamber of Commerce

The Germantown Area Chamber of Commerce is an active partner with the City in promoting business growth and development. Key partnership initiatives include production of the annual Business and Industry Summit, retail recruitment revitalization strategies and marketing and development of the Economic Development Partnership website which serves as the online presence for the City's economic development information. The Chamber's request for FY18 is \$20,000.00 for daily operational expenses. The Memorandum of Understanding between the City and Chamber details the benefits the City receives as a result of the grant. Funding for the Chamber grant is included in the approved FY18 budget.

MOTION: To authorize payment in the form of a grant to the Germantown Area Chamber of Commerce in the amount of \$20,000.00.

Acceptance of Federal Emergency Management Agency (FEMA) Fire Prevention and Safety Grant

City staff applied for this grant through the Federal Emergency Management Agency (FEMA) Fire Prevention and Safety Grant Program. This grant is for our Community Smoke Detector and Fire Investigation Programs. This grant will include smoke detectors with a 10 year service life, smoke detectors for residents who are hearing impaired and equipment for fire and arson investigations. The Federal share of the grant is \$23,391.00 and the City's matching amount of 5% is \$1,169.00.

MOTION: To authorize the acceptance of a Fire Prevention and Safety Grant from the Federal Emergency Management Agency for \$24,560.00, of which the City will provide a 5% matching amount of \$1,169.00.

Resolution 17R18 – FY18 TML Pool Safety Partners Matching Grant Program

The grant, offered by the City's insurer, provides up to 50% of the cost for safety related purchases in fiscal year 2018. Germantown is eligible to receive up to the maximum \$2,050.00 from the limited grant funds available. The grant application must be submitted with a resolution approved by the Board of Mayor and Aldermen, along with cost estimate information for the identified safety purchase. Each year, this group is tasked with making recommendations for equipment, training materials and specialized training. Grant priority is given for risk exposures faced by City employees.

MOTION: To approve Resolution 17R18, authorizing the City to participate in the TML Safety Partners Matching Grant program for FY18.

Resolution 17R21 – Merchant Services Account and Signature Cards

The City has three merchant services accounts that were established to deposit credit card transactions when accepting credit cards as a form of payment. The accounts handle all credit card transactions. These merchant service accounts are pass-through accounts that do not issue checks and track credit and debit card transactions before the funds are transferred into the City's concentration account.

MOTION: To adopt Resolution 17R21 for merchant services and signature cards.

Right-of-Way Acquisition – Tract 9 – Germantown Road/Wolf River Boulevard Intersection Improvement Project

The intersection of Wolf River Boulevard and Germantown Road is one of the most heavily congested intersections within the entire Memphis-MPO area. The latest available volume counts indicate annual average daily traffic of over 75,000 vehicles per day. Excessive delays at all times of the day prompted the City to request federal and state funding for improvements to add capacity and increase efficiency of the intersection. Improvements to these roadways will be in the public interest. In order to widen the roadway, acquisition of right-of-way from private property owners is required. The fair market value of the property to be acquired was determined to be \$177,100.00. The property owner accepted the offer.

MOTION: To approve the right-of-way acquisition of real estate from Nashoba Bank for the total lump sum amount of \$177,100.00 for a portion of Tract 9 and authorize the disbursement of the purchase price to the seller.

Right-of-Way Acquisition – Tract 18 – Germantown Road/Wolf River Boulevard Intersection Improvement Project

In order to widen the roadway, acquisition of right-of-way from private property owners is required. The fair market value of the property to be acquired was determined to be \$67,731.00. The property owner accepted the offer.

MOTION: To approve the right-of-way acquisition of real estate from River Meade, Inc. for the total lump sum amount of \$67,731.00 for a portion of Tract 18 and authorize the disbursement of the purchase price to the seller.

Right-of-Way Acquisition – Tract 24 – Germantown Road/Wolf River Boulevard Intersection Improvement Project

In order to widen the roadway, acquisition of right-of-way from private property owners is required. The fair market value of the property to be acquired was determined to be \$16,800.00. The property owner accepted the offer.

MOTION: To approve the right-of-way acquisition of real estate from Chick-Fil-A, Inc. for the total lump sum amount of \$16,800.00 for a portion of Tract 24 and authorize the disbursement of the purchase price to the seller.

Right-of-Way Acquisition – Tract 28 – Germantown Road/Wolf River Boulevard Intersection Improvement Project

In order to widen the roadway, acquisition of right-of-way from private property owners is required. The fair market value of the property to be acquired was determined to be \$61,369.00. The property owner accepted the offer.

MOTION: To approve the right-of-way acquisition of real estate from Hospitality Investors Trust for the total lump sum amount of \$61,369.00 for a portion of Tract 28 and authorize the disbursement of the purchase price to the seller.

Right-of-Way Acquisition – Tract 29 – Germantown Road/Wolf River Boulevard Intersection Improvement Project

In order to widen the roadway, acquisition of right-of-way from private property owners is required. The fair market value of the property to be acquired was determined to be \$175,000.00. The property owner accepted the offer.

MOTION: To approve the right-of-way acquisition of real estate from SAI Investments, Inc. for the total lump sum amount of \$175,000.00 for a portion of Tract 29 and authorize the disbursement of the purchase price to the seller.

Agreement of Compromise and Settlement Payment

This payment in the amount of \$355,453.00 represents the fourth of twelve yearly payments to the Shelby County Board of Education (SCBE) for the settlement of litigation over the formation of the Germantown Municipal School District (GMSD) and the conveyance by SCBE of Dogwood, Farmington and Riverdale elementary schools, Houston Middle School and Houston High School to the GMSD for management and operation.

MOTION: To authorize the payment of \$355,453.00 to the Shelby County Board of Education on behalf of the Germantown Board of Education per Section 7 of the Agreement of Compromise and Settlement executed on January 6, 2014.

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

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

REGULAR

Amendment to Resolution on Revenues – Germantown Athletic Club

Over the past several years the Club has been financially sustainable, self sufficient and net profits have been reinvested into the facility. With the current competition, facility upgrades and improvements are vital to remain competitive in the industry. The proposed adjusted fees correlate with the facilities current improvements and the Club's ability to compete with competitors. The rate adjustment will allow the Club to maintain improvements and assist in implementing future upgrades.

Motion by Mr. Massey, seconded by Mr. Janda, to authorize an amendment to the Resolution on Revenues for membership rate adjustments at Germantown Athletic Club.

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

Professional Services Agreement Supplement No. 1 – City Wide Master Drainage Plan and Infrastructure Inventory Phase

Supplement No. 1 with Barge Waggoner Sumner & Cannon, Inc. is for year two for engineering and surveying services related to the City Wide Master Drainage Plan and Infrastructure Inventory. The City has a permit with the TN Department of Environment and Conservation to discharge its stormwater runoff into waters of the state. The City must have an accurate and complete inventory and condition of its stormwater infrastructure, a searchable database for tracking complaints, notices of violations, illicit discharges, actions taken and closeout.

Motion by Mr. Janda, seconded by Ms. Gibson, to approve Professional Services Agreement Supplement No. 1 with Barge Waggoner Sumner & Cannon, Inc. in an amount not to exceed \$150,000.00 for Phase 2 of the City Wide Master Drainage Plan and Infrastructure Inventory.

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

Warrant -Jacobs Property – 7464 North Street

This request was approval of two Smart Code warrants for the Jacobs property at 7464 North Street in the T5 SmartCode District. The property is improved with a single-family residence and a detached garage, which predates the current "T5" Urban Center zoning. The applicant is proposing to construct a live/work accessory dwelling unit, utilizing the current "T5" Urban Center zoning.

Motion by Ms. Gibson, seconded by Mr. Barzizza, to approve the requested warrant from Section 23-770.4.E., to allow the front yard setback of the outbuilding to be more than 40 ft. from the rear property line.

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

Motion by Ms. Gibson, seconded by Mr. Barzizza, to approve the requested warrant from Section 23-792.A.3. to allow 4 parking spaces for the outbuilding (rather than the maximum 1.0 per dwelling unit).

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

**Public Hearing - Resolution 17R19- Goodwin Farms Planned Unit Development Outline Plan -
DEFERRED**

This agenda item was deferred by the applicant to the October 23, 2017 Board of Mayor and Aldermen meeting.

Meeting Adjourned.

Mike Palazzolo, Mayor

Michele Betty, City Clerk/Recorder