

BOARD OF MAYOR AND ALDERMEN

October 23, 2017

The regular meeting of the Board of Mayor and Aldermen was held on Monday, October 23, 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, Forrest Owens and Rocky Janda. Staff present: Pam Beasley, Michele Betty, Rodney Bright, Paul Chandler, Reynold Douglas, Butch Eder, Tony Fischer, Sarah Goralewski, Tim Gwaltney, David Harris, Jason Huisman, Bo Mills, Daniel Page, Cathryn Perdue, Sheila Pounder, Cameron Ross, John Selberg, Paul Turner and Steve Wilensky.

Call To Order

The Mayor called the meeting to order.

Invocation

Tony Fischer gave the invocation.

Pledge of Allegiance

Alderman Barzizza 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 Mr. Barzizza, to approve the agenda as written.

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

Approval of Minutes

There was one correction to the minutes. Regarding Rock 'N Dough Pizza beer permit, Alderman Gibson's vote was corrected to 'yes' and Alderman Massey's vote was corrected to 'no'.

Motion by Mr. Janda, seconded by Ms. Gibson, to approve the September 25, 2017 minutes as amended.

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

Special Recognition

Proclamation – Extra Mile

The Mayor read a proclamation urging each individual in the community to take time on this day to not only "go the extra mile" in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country or world a better place.

Beautification Commission Business Award

The Bridges at Germantown apartment property, located at 7491 Wyndhurst Place, is the recipient of the October Beautification Commission Business Award.

Alderman Liaison Reports

The Aldermen reported on their commission activities.

Citizens to be Heard

Jacque Clift and Melissa Jones of the Suburban Garden Club came forward to request the Board's approval of Agenda Item #10d – Library Streetscape Enhancement and Site Improvements. The ladies specifically addressed the need for erosion control and addition of ADA compliant sidewalks to enable all citizens the

opportunity to enjoy the water feature and gardens.

Mayor Palazzolo recessed the Board of Mayor and Aldermen and convened as the Beer Board.

BEER BOARD

Public Hearing – Temporary Beer Permit – On-Premise Consumption – Germantown Education Foundation

The Germantown Education Foundation is seeking a temporary beer permit to serve beer at their event, Germantown Oktoberfest, at the Germantown Civic Complex, 7745 Poplar Pike, Saturday, November 4, 2017 from 10 a.m. until 10 p.m. The beneficiary of the proceeds is the Germantown Education Foundation.

The Mayor opened the public hearing. Having no one come forward, the Mayor closed the public hearing.

Motion by Mr. Barzizza, seconded by Ms. Gibson, to approve a temporary beer permit for the Germantown Education Foundation allowing the sale of beer, on publicly owned property, at the Germantown Civic Complex, 7745 Poplar Pike, on Saturday, November 4, 2017, from 10 a.m. until 10 p.m. and a rain date of Sunday, November 5, 2017, from noon until 6 p.m.

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

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

CONSENT

Board Appointment – Library Board

There is currently a vacancy on the Library Board due to the resignation of Mr. Peter Abell. Mr. Thomas McFadden has expressed a desire to serve on this board.

MOTION: To approve the appointment of Mr. Thomas McFadden to serve on the Library Board for the remainder of the vacant term ending June 30, 2019.

Contract – Defibrillator Maintenance

This agenda item is to authorize the Mayor to enter into an extended warranty and preventative maintenance contract with Zoll Medical Corporation in the amount of \$13,235.75. Zoll Medical Corporation is the provider of the cardiac monitors and defibrillators for all response vehicles for the Fire Department. These monitors have been purchased over the last 5 years and all have reached the end of their warranty period.

MOTION: To enter into an extended warranty and preventative maintenance contract with Zoll Medical Corporation in the amount of \$13,235.75.

Contract – Tennessee Highway Safety Grant

This item is to approve a grant from the Tennessee Department of Transportation in the amount of \$5,000.00 for participating in the Tennessee Highway Safety Office program. The grant is for overtime reimbursement after law enforcement activities are conducted to prevent and detect DUI violations.

MOTION: To authorize the Mayor to execute a grant contract from the Tennessee Department of Transportation in the amount of \$5,000.00 for law enforcement activities.

Construction Contract – Library Streetscape Enhancement and Site Improvements

This agenda item is to consider approval of a construction contract with Legacy Construction Services in the amount of \$187,985.00 for the construction of streetscape enhancement and site improvements at the library. The roadside drainage gully along Exeter Road adjacent to the library continues to erode. Other drainage issues have developed causing erosion within the woodland area north of the library.

MOTION: To approve a construction contract with Legacy Construction Services in the amount of \$187,985.00 for the construction of streetscape enhancement and site improvements at the Germantown Community Library.

Donation – Police

The purpose of this agenda item is to recognize a donation of 30 noise canceling headsets from Shelby County 911 to the Police Department. The Communications Division work environment can be hectic and in close quarters which lends itself to background noise. The use of noise canceling headsets ensures that radio transmissions are clear and at optimum quality.

MOTION: To recognize a donation received from Shelby County 911 of 30 noise canceling headsets.

Professional Services Agreement – Police Parking Lot Expansion

This agenda item is to consider approval of a professional services agreement with Smith Speckman Reid, Inc. in the amount of \$42,775.00 to provide engineering services to design and prepare construction documents for the expansion of an existing parking lot located at the rear of 1930 South Germantown Road. The proposed expansion area is currently a shallow pond between two existing parking lots at the rear of City Hall. The pond does not receive any storm water runoff and therefore is not being used as detention basin.

MOTION: To approve a professional services agreement with Smith Speckman Reid, Inc. (SSR) in the amount of \$42,775.00 to provide engineering services to design and prepare construction documents for the expansion of an existing parking lot located at the rear of 1930 South Germantown Road.

Purchase – Vehicles

The purpose of this agenda item is to request the Board's authorization to purchase two new vehicles from Wilson County Motor Company in the amount of \$70,134.88 and nine new vehicles from Ford of Murfreesboro in the amount of \$274,392.85 resulting in a total expenditure amount of \$344,527.73 and declare replaced vehicles as surplus property. The replacement vehicles purchased under this authorization are used in the day-to-day operations by the Police, Fire, Public Services and Community Development Departments. The replacement of these vehicles is based on current mileage, age, condition and maintenance costs.

MOTION: To approve the purchase of two new vehicles from Wilson County Motor Company in the amount of \$70,134.88 and nine new vehicles from Ford of Murfreesboro in the amount of \$274,392.85 resulting in a total expenditure amount of \$344,527.73 and declare replaced vehicles as surplus property.

Purchase – Emergency Warning Equipment for Fire Vehicles

This item is to request authorization to purchase emergency warning equipment for two new Fire Department vehicles for \$17,744.20 from Fleet Safety Equipment, Inc. This request is to provide emergency warning equipment for two new 2018 Chevrolet Tahoe SUVs for the Fire Department. One vehicle will serve as the Battalion Chief's command vehicle and the other will be assigned to a staff member. These vehicles will replace existing vehicles.

MOTION: To approve the purchase and installation of emergency warning equipment from Fleet Safety Equipment, Inc. in the amount of \$17,744.20.

Purchase – SimMan Patient Manikin

This agenda item is to purchase the Laerdal Emergency Medical Services Advanced Life Support SimMan Manikin and training accessories in the amount of \$22,508.18. The current patient training manikin is approximately 10 years old and has limited capabilities.

MOTION: To authorize the purchase of Laerdal SimMan Patient Manikin and accessories in the amount of \$22,508.18.

Purchase – Printing and Mailing Services

This item is to request authorization to utilize the City of Sevierville, Tennessee production agreement with DataProse in the amount of \$15,338.00 for printing, stuffing and mailing services for the City’s tax bills. On January 12, 2015, the Board approved the use of Sevierville’s production agreement with DataProse for printing, stuffing and mailing City of Germantown utility bills. On September 12, 2016, the Board approved the addition of printing, stuffing and mailing services for the City’s tax bills. Sevierville has used DataProse since 2009. Both DataProse and the City of Sevierville have agreed to allow the City to “piggyback” off the contract they have in place.

MOTION: To authorize the use of City of Sevierville, Tennessee production agreement with DataProse in the amount of \$15,338.00 for printing, stuffing and mailing services for the City’s tax bills.

Purchase -Senior Expo Booth Equipment Rental Services

The purpose of this agenda item is to request authorization to secure Hicks Convention Services to provide all booths and specified equipment for the upcoming senior expo in the amount of \$11,774.50.

MOTION: To authorize securing Hicks Convention Services in the amount of \$11,774.50 to provide all booths and specified equipment for the upcoming Senior Expo.

Resolution 17R23 – Business Credit Card Application and Signature Cards

The purpose of this agenda item is to adopt Resolution 17R23 for the issuance of a Visa bank credit card with First Tennessee Bank authorizing Captain W.E. Stemmler as a signer on the Germantown Police credit card. Upon the receipt and processing of this application, the previous card that belonged to Captain Michael Berkes (retired) will be automatically cancelled. This credit card is to be used for the purpose of Police business, travel and specifically for drug fund activities that need to be tracked, maintained and paid out of the drug fund accounts.

MOTION: To adopt Resolution 17R23 establishing a new credit card with First Tennessee Bank to authorize the designated Captain of Administration in the Germantown Police Department as signer on the account.

State Report on Debt Obligation – Series 2017

The statute governing the issuance of general obligation bonds requires that within 45 days following the execution of this transaction the governing body (the Board of Mayor and Aldermen) be provided with information on a form entitled “Report on Debt Obligation” as provided by the Comptroller of the Treasury.

MOTION: There is not a vote or formal action required by the Board on this item.

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

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

REGULAR

Ordinance 2017-08 – Amend Chapter 2, Division V, Section 182 of the Code of Ordinances – Revision to Neighborhood Preservation Commission Membership Requirements – First Reading

This is an amendment to the Neighborhood Preservation Commission, removing the requirement that one member of the Planning Commission and one member of the Design Review Commission be appointed to serve on the commission. With this proposed change, the membership would still be 12 members, but allow the Board to appoint all 12 instead of 10.

Motion by Ms. Gibson, seconded by Mr. Owens, to approve on first reading Ordinance 2017-08 amending Chapter 2, Article V, Division 5, Section 182 of the Code of Ordinances and set the second reading and public

hearing for November 27, 2017.

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

Resolution 17R20 - Gardena Court Planned Unit Development Outline Plan Revocation

This request to revoke the outline plan of Gardena Court planned development is filed pursuant to 23-576 *et seq*, the Germantown Code of Ordinance, which provides that, upon the recommendation of the Planning Commission concerning the repeal of approval of the outline and/or final plan of development, the Board of Mayor and Aldermen shall schedule a public hearing on the request and make a decision regarding the request for repeal.

The Gardena Court planned development was approved to allow the development of commercial uses in accordance with the outline plan conditions reflected on the recorded document. Revocation of the existing recorded outline plan will null and void its regulating of how the property develops and allow the owners to move forward with new plans that would conform to the “T4” zoning that currently overlays the property and the recommendation of the adopted Forest Hill Heights small area plan.

The Mayor opened the public hearing. Having no one come forward, the Mayor closed the public hearing.

Motion by Mr. Owens, seconded by Mr. Janda, to approve Resolution 17R20 for the Revocation of the Gardena Court PUD Outline Plan.

Motion by Mr. Massey, seconded by Mr. Barzizza, to defer this agenda item.

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

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

Resolution 17R22 – Viridian Planned Unit Development Outline Plan

This agenda item is to approve the outline plan for Viridian planned unit development (PUD). The Viridian PUD was rezoned to the T-4 district, as recommended by the Forest Hill Small Area Plan in 2016. The Planning Commission approved the Viridian PUD outline plan on September 5, 2017. The Viridian PUD is to be a multi-family residential development.

The Mayor opened the public hearing.

Edgar Babian, 3580 Crestwyn Drive, brought forward concerns he has with the development. These include zoning changes, deviation from the Smart Growth plan, land-locked commercial property, and lack of water lines to support sprinkler systems. He asked the Board to delay the vote.

The Mayor closed the public hearing.

Motion by Mr. Owens, seconded by Mr. Janda, to approve Resolution 17R22 for Viridian PUD outline plan.

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

Resolution 17R19 – Goodwin Farms Planned Unit Development Outline Plan

The purpose of this agenda item is to approve the outline plan for Goodwin Farms planned unit development (PUD), as recommended by the Planning Commission. The Goodwin Farms PUD outline plan is to be a ten-phase, single-family residential development, which will consist of 232 lots. The area is zoned “R” low-

density residential, which requires a minimum lot size of 15,000 s.f., minimum lot width of 100 ft. and side yard setbacks of 10 feet. The applicant is proposing a PUD in order to have varying lot sizes, narrower lot widths and narrower side yard setbacks on some of the lots.

The Mayor opened the public hearing.

Edgar Babian, 3580 Crestwyn Drive, stated his area homeowner association (HOA) in 2004 worked with the developer to change the residential zoning from 1 acre to not less than 15,000 s.f. lots. In 2014, the developer proposed less than 15,000 s.f. lots, the HOA restated that they wanted no lots less than 15,000 s.f. The currently proposed development has 232 lots, 34 are 15,000 s.f. He is also concerned about the increase in traffic. He asks the Board to reject the proposal.

Joe Garaffa, 9440 Forest Hill Road, stated the developer is proposing a major decrease in the size of the proposed lots. He asks the Board to reject the proposal.

Phil Conner, 3664 Crestwyn Drive, stated this plan is a high density proposal in a low density area. He shared with the Board a portion of the Planning Commission minutes from 2004 in which former alderman Dr. Bob Parish stated everything would be done to protect the zoning of this area, meaning 15,000 s.f. lots. He asks for time to do serious negotiating to have a win-win situation for everybody.

Theodore Peppin, 3569 Crestwyn Drive, stated the developer has set up a plan that maximizes the impact on the surrounding area. He stated the residents have suggested a plan that would minimize the impact, yet the developer has chosen to not accept any recommendation.

Kevin Speed, 9181 Forest Downs, stated his HOA feels frustrated over the lack of cooperation. He feels the proposed development is not in keeping with what was promised during the annexation. Two or three apartment complexes will cause crime in this area. He stated he is concerned about traffic, drainage and fire protection. He asks the Board to reconsider.

Wade Walker, 9290 Hollow Creek Cove, questioned the need to change the character of Germantown. He stated the changes seem very dramatic. He is interested in seeing a cost benefit analysis of developing estate style homes versus smaller, lower cost homes. He believes additional schools and public services will increase expenses with many more housing units.

Mike Ray, 9125 Forest Downs, would like to keep Germantown as an exclusive area.

The Mayor closed the public hearing.

Motion by Mr. Owens, seconded by Mr. Janda, to approve Resolution 17R19 for the Goodwin Farms PUD outline plan.

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

Election of Janet Geyer, Julie Klein, Keith Saunders, Henry Evans, Mike Harless and Dick Vosburg to the City of Germantown Industrial Development Board

The Germantown Industrial Development Board (IDB) consists of seven members. Section 7-53-301 of the Tennessee Code Annotated, requires that an IDB director be elected by the Board of Mayor and Aldermen. Section 7-53-301 does not provide the procedure by which an IDB director will be elected. However, Articles II and III of the IDB Bylaws set forth the requisite procedure. The Bylaws require the Mayor to make a nomination of an individual to serve and thereafter the BMA has the authority to consider the election of the nominee.

The Mayor has nominated Janet Geyer to replace Daniel Dent who has resigned as a member of the IDB. Ms. Geyer would fulfill the term, ending December 31, 2021.

In an effort to resolve any question as to the composition of the board of directors of the IDB, the Mayor has also nominated current IDB members Julie Klein, Keith Saunders, Henry Evans, Mike Harless, and Dick Vosburg to the IDB to be elected to serve the terms provided in the agenda sheet. Dave Klevan was previously elected to serve on the IDB on February 13, 2017. His term expires on December 31, 2017.

Motion by Ms. Gibson, seconded by Mr. Janda, to to elect Ms. Janet Geyer to serve on the Board of Directors of the City of Germantown Industrial Development Board until December 31, 2021.

Motion by Mr. Massey, seconded by Mr. Barzizza, to have his written response to Atty. David Harris's opinion on this matter entered into the minutes.

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

Motion by Mr. Massey, seconded by Mr. Barzizza, to defer this agenda item.

Mr. Owens called the question.

ROLL CALL to defer the agenda item: Barzizza-yes, Gibson-no, Massey-yes, Owens-no, Janda-no. Motion failed.

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

Motion by Mr. Janda, seconded by Mr. Owens, to elect Ms. Julie Klein to serve on the Board of Directors of the City of Germantown Industrial Development Board until December 31, 2017.

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

Motion by Mr. Owens, seconded by Mr. Janda, to elect Mr. Keith Saunders to serve on the Board of Directors of the City of Germantown Industrial Development Board until December 31, 2017.

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

Motion by Mr. Owens, seconded by Ms. Gibson, to elect Mr. Henry Evans to serve on the Board of Directors of the City of Germantown Industrial Development Board until December 31, 2019.

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

Motion by Ms. Gibson, seconded by Mr. Owens, to elect Mr. Mike Harless to serve on the Board of Directors of the City of Germantown Industrial Development Board until December 31, 2019.

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

Motion by Ms. Gibson, seconded by Mr. Janda, to elect Mr. Dick Vosburg to serve on the Board of Directors of the City of Germantown Industrial Development Board until December 31, 2019.

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

Meeting Adjourned.