

BOARD OF MAYOR AND ALDERMEN

November 13, 2017

The regular meeting of the Board of Mayor and Aldermen was held on Monday, November 13, 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, Tim Gwaltney, David Harris, Jason Huisman, 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

Reynold Douglas gave the invocation.

Pledge of Allegiance

Cub Scout Troop 271 led the Pledge of Allegiance.

Approval of Agenda

During the executive session, the Board unanimously agreed to move #13 Resolution 17R25 – West TN Veteran's Home to #10 and #10 Development Contract 1220 - Landmark Bank to #13.

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

ROLL CALL: Barzizza-yes, Gibson-yes, Massey-yes, Owens-yes, 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 October 23, 2017 minutes.

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

Special Recognition

Proclamation - Pulmonary Hypertension Awareness Month

The Mayor proclaimed November 2017 to be Pulmonary Hypertension Awareness Month and urged all the citizens of Germantown to recognize the seriousness of this disease and the meritorious work of the Pulmonary Hypertension Association to find a cure.

Germantown Education Commission Teacher of the Month, October 2017

The award winner is Ms. Morgan Grow, a third grade science and social studies teacher at Dogwood Elementary School.

Germantown Education Commission Teacher of the Month, November 2017

The award winner is Mr. Greg Smith, a first grade teacher at Germantown Elementary School.

Germantown Education Commission Youth Excellence Award, November 2017

The November 2017 Youth Excellence Award winner is Ally Willoughby, a senior at Briarcrest Christian School.

Employer Support of the Guard & Reserves (ESGR) Patriot Awards

The nominator of the Patriot Award recipients is Sr. Patrolman Lowell Young, who serves in the National Guard in the 164th Security Forces. Only members of the Guard/Reserves can nominate their employer for this award in appreciation of the support provided by their employer during their military duty. Mary Ann Epperson, an ESGR Committee Member, presented the awards to Germantown Police Department recipients Chief Richard Hall, Deputy Chief Rodney Bright, Captain Nick Godwin, Inspector Frank Hester and Inspector Alan Keller.

Donation – Germantown Community Library

The library works in partnership with many local organizations to provide top quality services to its patrons. The \$1,000.00 donation by the Germantown Women’s Club was designated to be spent according to the needs of the Children’s Department as was the Kiwanis Club of Germantown’s donation of \$1,500.00. The \$1,700.00 given by The Friends of the Germantown Community Library and Kappa Kappa Gamma was donated to provide prizes and support for the director’s “Pack the Library” challenge which is occurring this month.

Motion by Ms. Gibson, seconded by Mr. Janda, to approve donations of \$4,200.00 to the Germantown Community Library and to approve Budget Adjustment 18-18.

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

Alderman Liaison Reports

The Aldermen reported on their commission activities.

Citizens to be Heard

Michael Stoll, 2546 Regents Walk, shared with the Board he is saddened that the Checkerberry building is being destroyed and replaced with a parking lot.

CONSENT

Contract – Lobbying Services

The City has engaged the services of Farris Bobango Branan, PLC Attorneys at Law for the past eight years. Administration has worked closely with senior partner in the firm, John Farris, and his staff in advancing the City’s legislative agenda as well as monitoring legislation that could impact the city.

MOTION: To authorize the mayor to execute a lobbying services agreement with Farris Bobango Branan, PLC Attorneys at Law, for lobbying services on behalf of the City of Germantown beginning November 1, 2017 and ending October 31, 2018 in the amount of \$42,000.00.

Contract – Sewer Manhole Rehabilitation

The City performs preventive maintenance and repairs sewer mains annually. Each year funding is allocated for the rehabilitation of older or inferior infrastructure within the system to address infiltration or any other damage that may prevent maximum flow and functioning capabilities.

MOTION: To authorize the Mayor to approve a construction service contract with CTR Utility Rehab, LLC in an amount not to exceed \$150,000.00 for the FY18 sewer manhole infrastructure rehabilitation project.

Construction Contract - Great Hall & Conference Center Dimming System Upgrades

The Great Hall & Conference Center has been in service for more than fifteen years and the interior light dimming system has become obsolete. The replacement parts are no longer readily available, which has resulted in numerous complete failures.

MOTION: To approve a construction contract with Advance Electric Company, Inc. in the amount of \$44,234.00 for the replacement of the Great Hall & Conference Center’s light dimming system.

Construction Contract - City Hall Boiler Replacements

The heating boilers have been in service since the original construction of each phase of city hall and each boiler is beyond useful life of efficiency and dependability.

MOTION: To approve a construction contract with Damon Marcus Company in the amount of \$130,855.00, for the replacement of three heating boilers.

Construction Contract - GAC and GPAC Boiler Replacements

The heating boilers have been in service for more than twenty years and beyond the useful life of safety and efficiency. The current heating boilers have multiple deficiencies and are inoperable.

MOTION: To approve a construction contract with Damon Marcus Company in the amount of \$199,305.00, for the replacement two heating boilers and one pool heating boiler.

Emergency Purchase – East Bridge Ditch Repair

This emergency project is necessary due to the failure of one existing 30’ section of concrete drainage wall in the East Bridge ditch, Lateral “F”, behind 9242 East Bridge Dr. The scope of the project included the demolition and removal of the existing wall, new concrete footings and wall, excavation and wall backfill, chain link and treated pine privacy fence replacement and sod. Concrete and soil testing were part of the cost proposal.

MOTION: To authorize a contract with Hamilton - Elles, Inc. for the emergency repairs to a 30’ section of concrete ditch wall on the East Bridge ditch in the amount of \$27,500.00.

Professional Services Agreement – Southern Ave. Water Treatment Plant Electrical Panel Replacement Design and CEI

The water treatment plant was constructed in 1975 and has been the primary source of potable water to customers for over 40 years. This project will assess the need for replacement of all the electrical components, including the motor starters, breakers and service accessories.

MOTION: To authorize the Mayor to enter into a professional services agreement with Allen & Hoshall to provide engineering services, design and construction inspection for the Southern Ave. water treatment plant electrical panel replacement project in the amount of \$32,500.00.

Purchase – Annual Cured in Place Pipe

Cured in place pipe rehabilitation has been utilized within the city for 23 years to restore pipe integrity, improve sewer and storm water flows and seal out ground water infiltration with minimum disruption of work sites and little to no interruption of services to the citizens and customers. The primary focus for pipe lining each year is the older infrastructure within the city system or traditional repetitive problem areas where excavation would be cost prohibitive.

MOTION: To authorize the Mayor to enter into a contract with BLD Services, LLC in an amount not to exceed \$150,000.00 for the FY18 annual sanitary sewer cured in place pipe contract.

Purchase – Annual Service Renewal and Uninterrupted Power Supply (UPS) Battery Replacement FS4

The construction of Fire Station 4 included an alternate Emergency Operations Center to allow the City to operate if a catastrophic event occurred at City Hall. The project also included a 911 backup Dispatch replicating the existing 911 Dispatch at City Hall. The backup 911 Dispatch has a UPS that provides instantaneous or near-instantaneous protection from input power interruptions by means of attached batteries for one hour per Shelby County 911 requirements. This allows time to bring an auxiliary power source on line, such as standby generator, or to properly shut down protected equipment.

MOTION: To authorize the Mayor to enter into an agreement with Vertiv Services Inc. in the amount of \$21,195.00 for an annual service renewal and battery replacement for the uninterruptable power supply at Fire Station 4.

Purchase – Germantown Athletic Club Phase III – FF&E

Phase III renovations of the Germantown Athletic Club includes an expanded lounge and lobby area with several different seating options and arrangements. It also includes two new offices, conference room and renovated men’s locker room. The existing chairs and tables that made up the current communal area are showing considerable wear and need to be replaced. Also included in the furniture purchase are replacement benches that sit in the locker

rooms and hallways, as well as some replacement desks for staff.

MOTION: To approve the purchase of furniture to complete the lobby/lounge area of the Germantown Athletic Club's Phase III renovations in the amount of \$38,423.00.

Purchase – Employee Gift Cards

The City reviews budgets each year to see if monies are available to provide for employees during the holidays. In 2016, the Board of Mayor and Alderman approved the purchase of four hundred (400) \$50 gift cards from Kroger in the amount of \$18,960.00. The City received a four (4) percent discount for the purchases.

MOTION: To approve the purchase of three hundred ninety-five (395) \$50 gift cards from Kroger in the amount of \$18,960.00.

Provider Agreements - Germantown Baseball League, Germantown Legends, Houston Lacrosse and Germantown Rugby Club

The City implements contracts with local youth sport provider organizations to provide certain athletic programs for children on athletic fields located in the City in which the Parks and Recreation Department make available. These programs are organized, scheduled and operated on behalf of the Parks and Recreation Department by designated sports providers performing as service providers in conjunction and cooperation with the City.

MOTION: To approve the provider agreements with the Germantown Legends to be the Youth Soccer Provider; with the Houston Lacrosse Club to be the Youth Lacrosse Provider; with the Germantown Baseball League to be the Youth Baseball Provider; and to approve the extension of the provider agreement for one additional year with the Germantown Rugby Club to be the Youth Rugby Provider for the City of Germantown.

Resolution 17R24 - TML Pool Property Conservation Grant

TML is offering a "Property Conservation" Matching Grant Program to provide 50% of the cost for driver safety training provided to employees who drive City vehicles. Germantown is eligible to receive up to the maximum \$2,500.00 from the limited grant funds available. The grant applies to training performed and/or equipment purchased in fiscal year 2018 and the application must be submitted with a resolution approved by the Board of Mayor and Aldermen, along with cost estimates for the qualified property conservation training and/or equipment.

MOTION: To approve Resolution 17R24, authorizing the City to participate in the TML "Property Conservation" Matching Grant Program for FY18.

Wireless Transmission Facility Modification Approval - AT&T Equipment Upgrade - 1926 South Germantown Road

SBA has an existing cell tower situated on property that is leased from the City and located at 1926 South Germantown, on which AT&T wireless is a current service provider. The lease agreement between the City and SBA Properties allows for the maintenance, placement, updating or replacement of equipment as may be needed on the existing tower structure. Lease payments by the service provider to the City are up to date and the current lease is set to expire in October, 2023. The proposed equipment addition will be on a cell tower currently owned and operated by SBA Properties, which is located on City property behind the Police Station.

MOTION: To approve the request allowing an equipment upgrade by the replacement of three existing antennas with new antennas and their associated equipment for AT&T Wireless on an existing wireless transmission facility, located at 1926 South Germantown Road.

Wireless Transmission Facility Modification Approval - AT&T Equipment Upgrade - 3990 Forest Hill Irene Road

The proposed equipment addition will be located on a tower currently owned and operated by AT&T. The specific request of the Board of Mayor and Aldermen is approval of an equipment upgrade of antennas and equipment on an

existing wireless transmission facility.

MOTION: To approve the request allowing an equipment upgrade by the replacement of three existing antennas with new antennas and their associated equipment for AT&T Wireless on an existing wireless transmission facility located at 3990 Forest Hill Irene Road.

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

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

REGULAR

Resolution 17R25 – West TN Veteran’s Home

The City appropriated \$50,000.00 in the 2018 budget to partner with the Veterans’ Administration, State of Tennessee and private donors to help fund the construction of the West Tennessee Veterans’ Home facility to care for veterans who reside in West Tennessee.

Motion by Ms. Gibson, seconded by Mr. Barzizza, to approve Resolution 17R25.

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

Warrant Approval – 2130 Exeter Holdings, LLC - Germantown Collection Shopping Center

The property was rezoned from the “SC-1” Shopping Center District to the “T5” Urban Center District as part of the Germantown Smart Growth Plan in 2007. Since the last revised site plan approval was granted in December by the Planning Commission, the developers of the project have changed and the new applicants are now seeking approval of a preliminary and final site plan that will meet their goals and needs for this site. The total site area for this project is 5.3 acres. The site plan proposes a new retail outbuilding to be constructed in the southwest corner of the site with frontage along Exeter Road and the renovation of the former Kroger building to include changes to the existing building façade to match the architectural elevation of the new outbuildings and existing shopping center remodel. The building will also be split into separate tenant spaces to function as individual retail shops. On November 7, 2017, the Planning Commission approved a new preliminary and final site plan along with one warrant for this property.

Motion by Mr. Owens, seconded by Ms. Gibson, to approve a warrant from 23-770.4.E., to allow the proposed outbuilding to be approximately 616 ft. from the rear property line on the subject property.

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

Ordinance 2017-9 - Amendments to the Sign Ordinance Chapter 14 - First Reading

In an effort to address concerns about visibility that have been raised regarding signage for tenants in small retail or commercial centers, staff prepared amendments to the sign ordinance. The changes will assist in providing some visual street identity for small business owners with limited street presence, while preserving the existing character of commercial areas in Germantown.

Motion by Mr. Barzizza, seconded by Mr. Janda, to approve on first reading Ordinance 2017-9, amendments to the Germantown Sign Ordinance related to Permanent Signs and set the second reading and public hearing for December 11, 2017.

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

Development Contract 1220 - Landmark Bank

This project will include the development of a site to accommodate an accessory use parking lot. On March 28, 2017, the Design Review Commission granted approval for a change of use (commercial to accessory parking lot)

and demolition of the Checkerberry building at 2245 S. Germantown Rd. Both the applicant's and the city historian's research found no historical significance of the building. On May 23, 2017, the Design Review Commission approved a preliminary and final site plan for an accessory parking expansion for neighboring Landmark Bank.

Motion by Mr. Barzizza, seconded by Ms. Gibson, to approve Project Development Contract 1220 for Landmark Bank.

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

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

BEER BOARD HEARINGS - SUSPENSION/REVOCAION OF BEER LICENSE

El Chapultepec – 2037 Exeter Road

This agenda item is to review a charge of sale of beer to a minor at El Chapultepec located at 2037 Exeter Road, Suite 2. On March 17, 2017, the Shelby County Sheriff's Office conducted an undercover sting investigation of beer permit holders in Shelby County. On that date a 20-year-old, working with the Sheriff's Office, was served beer by the defendant.

There was no representative from El Chapultepec to present their case before the Beer Board.

Motion by Mr. Owens, seconded by Mr. Janda, to find El Chapultepec, located at 2037 Exeter Road, Suite 2, guilty of a violation of the Germantown Beer Ordinance regarding selling beer to a minor.

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

This is El Chapultepec's first beer violation and the first time the establishment has gone before the City Beer Board. Although there was a prior liquor violation, liquor violations do not go before the City Beer Board. There was no representative from El Chapultepec to present their case before the Beer Board and this is a concern of the City.

Motion by Ms. Gibson, seconded by Mr. Janda, to impose a 30-day suspension of the defendant's beer permit.

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

Defendant returned for the hearing.

Motion by Ms. Gibson, seconded by Mr. Barzizza, to reconsider the earlier motion on the Beer Board Hearing suspension/revocation of the beer license for El Chapultepec, located at 2037 Exeter Road, Suite 2.

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

Motion by Ms. Gibson, seconded by Mr. Barzizza, to find El Chapultepec, located at 2037 Exeter Road, Suite 2, guilty of a violation of the Germantown Beer Ordinance regarding selling beer to a minor.

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

Although there was a prior liquor violation, liquor violations do not go before the City Beer Board.

Motion by Mr. Janda, seconded by Mr. Owens, to impose a 14-day suspension or \$1,000.00 civil penalty in lieu thereof.

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

La Hacienda – 3170 Village Shops

This agenda item is to review a charge of sale of beer to a minor at LaHacienda Mexican Restaurant located at 3170 Village Shops, Suite 27. On March 17, 2017, the Shelby County Sheriff's Office conducted an undercover sting investigation of beer permit holders in Shelby County. On that date a 20-year-old, working with the Sheriff's Office, was served beer by the defendant.

Motion by Mr. Janda, seconded by Ms. Gibson, to find LaHacienda Mexican Restaurant, located at 3170 Village Shops, Suite 27, guilty of a violation of the Germantown Beer Ordinance regarding selling beer to a minor.

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

Although there was a prior liquor violation, liquor violations do not go before the City Beer Board.

Motion by Mr. Owens, seconded by Mr. Janda, to impose a 14-day suspension or \$1,000.00 civil penalty in lieu thereof.

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

Forest Hill Exxon – 9100 Poplar Avenue

The purpose of this agenda item is to review a charge of sale of beer to a minor at Forest Hill Irene Exxon, located at 9100 Poplar Avenue. On March 17, 2017, the Shelby County Sheriff's Office conducted an undercover sting investigation of beer permit holders in Shelby County. On that date an 18-year-old, working with the Sheriff's Office, was served beer by the defendant.

Motion by Ms. Gibson, seconded by Mr. Janda, to find Forest Hill Irene Exxon, located at 9100 Poplar Avenue, guilty of a violation of the Germantown Beer Ordinance regarding selling beer to a minor.

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

The defendant has a prior beer violation, which occurred 16 months prior to the current violation. This causes the City concern.

Motion by Ms. Gibson, seconded by Mr. Janda, to impose a 30-day suspension or \$1,500.00 civil penalty in lieu thereof.

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

Meeting Adjourned.

Mike Palazzolo, Mayor

Michele Betty, City Clerk/Recorder