

BOARD OF MAYOR AND ALDERMEN

December 11, 2017

The regular meeting of the Board of Mayor and Aldermen was held on Monday, December 11, 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: Leslie Acerra, Pam Beasley, Michele Betty, Rodney Bright, Reynold Douglas, Butch Eder, Tony Fischer, Sarah Goralewski, Tim Gwaltney, David Harris, Jason Huisman, Patrick Lawton, Lisa Piefer, Sheila Pounder, Cameron Ross, Emily Rozar, John Selberg, Paul Turner and Steve Wilensky.

Call To Order

The Mayor called the meeting to order.

Invocation

Pam Beasley gave the invocation.

Pledge of Allegiance

Alderman Owens led the Pledge of Allegiance.

Approval of the Agenda

During the executive session, the Board agreed to move #15 Professional Services Agreement – Right-of-Way Appraisal Forest Hill-Irene Road Improvements from the Regular Agenda to the Consent Agenda.

Motion by Mr. Massey, seconded by Mr. Barzizza, to move item #10b Design Supplement No. 2 – Design Standards for Forest Hill Heights Small Area Plan from the Consent Agenda to the Regular Agenda.

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

Motion by Mr. Massey, seconded by Mr. Barzizza, to move item #10e Recognition of Grant Award - Memphis Area Association of Realtors from the Consent Agenda to the Regular Agenda.

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

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

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

Approval of Minutes

There were no corrections to the minutes.

Motion by Mr. Barzizza, seconded by Mr. Janda, to approve the November 27, 2017 minutes.

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

Special Recognition

Shelby County Commissioner Mark Billingsley

Mayor Palazzolo thanked Commissioner Billingsley for representing the citizens of Germantown. Commissioner Billingsley was presented with a City cap and fleece vest for him to wear at the many events he attends in the city.

Houston High School Girls' Soccer

Due to a misunderstanding, the Soccer team had not yet arrived. Mayor Palazzolo stated they would be recognized towards the end of the evening's special recognitions.

2017 Commissions Appreciation Dinner Gift Basket Auction

Annually, the Board of Mayor and Aldermen express their appreciation to the board and commission volunteers by hosting a Commissions Appreciation Dinner. Commissions, City employees and local businesses donate items and/or gift baskets for a silent auction which takes place during the evening. The beneficiary of this year's auction proceeds is Germantown Education Foundation. The City presented a check in the amount of \$1,396.74 to the Germantown Education Foundation.

Bicycle/Pedestrian/Walkability Task Force

The Mayor's Bicycle/Pedestrian/Walkability Task Force has completed in an effort to make the city more bicycle- and pedestrian-friendly. As a follow-up to the city's strategic plan, "Germantown Forward 2030," that prioritized more walking and bicycling in Germantown, and to align with the City's Parks Master Plan process, Mayor Palazzolo established a citizen task force to study current bicycle and pedestrian efforts, and to suggest improvements to enhance bicycling and walking for the future needs of Germantown.

Germantown Education Commission Teacher of Month

The December 2017 Teacher of the Month award was presented to Mr. Tom Kolodziej. Mr. Kolodziej is a 12th grade English and Mythology teacher at Houston High School.

Germantown Education Commission Youth Excellence Award

The December 2017 Youth Excellence Award was presented to Eleanor "Ella" Baran, a senior at Houston High School.

Houston High School Girls' Soccer

The Board of Mayor and Aldermen proclaimed December 11, 2017 as "Houston High School Varsity Girls' Soccer Team Day" in Germantown. The team won the program's 8th state championship and the varsity team went undefeated this season. For 14 consecutive years, the Houston girls' soccer program has won the District, Regional and Sectional Championship while earning a berth to the state tournament. Aside from being the 2017 Tennessee State Champions, the Houston girls' soccer team is currently ranked #1 in the nation by USA Today.

Retirement Proclamation

In recognition of Butch Eder's retirement, the Board of Mayor and Aldermen proclaimed December 11, 2017 as "Rodney 'Butch' Eder Day" in Germantown.

Alderman Liaison Reports

The Aldermen reported on their commission activities.

Citizens to be Heard

No citizens came forward.

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

BEER BOARD

Public Hearing - Beer Permit Off-Premise Application - Rite Aid #7205

The City received a request from Walgreen Co. for a permit to sell beer for off-premise consumption at Rite Aid, located at 7570 W. Farmington. Walgreen Co. is buying the assets and business operations of Rite Aid

#7205 from Rite Aid Corporation. This location will remain a Rite Aid branded store.

Mayor Palazzolo asked citizens to come forward to address the Board during the Beer Board Hearing. Having no one come forward, the Mayor closed the public hearing.

Motion by Mr. Barzizza, seconded by Mr. Owens, to approve the request from Walgreen Co. for a permit to sell beer for off-premise consumption at Rite Aid #7205, located at 7570 W. Farmington.

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

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

CONSENT

Contract – Customer Service Center Improvements

This item approves of a construction contract for the construction of the City Hall Customer Service Center and flooring replacement. The customer service counter and lobby flooring were part of the 1979 construction. The design is no longer customer friendly and does not meet current American Disability Act requirements.

MOTION: To approve a construction contract with A & B Construction in the amount of \$134,956.00 for the construction of the City Hall Customer Service Center and flooring replacement.

Design Supplement No. 2 – Forest Hill Heights Small Area Plan

This item approves Design Supplement No. 2 to the existing small area plan contract for the development of specific design standards to be utilized as part of implementing the plan.

MOTION: To approve Design Supplement No. 2 in the amount of \$9,500.00 to the existing Forest Hill Heights Small Area Plan contract for the design review of specific projects and design standards as part of implementing the Forest Hill Heights Small Area Plan.

Recognition of Donation – Farm Park

Methodist LeBonheur Healthcare System donated \$15,000.00 to the Bobby Lanier Farm Park to support community events, educational programs and training. The Methodist LeBonheur Healthcare System continues to demonstrate their commitment to the mission of the project through their generous donations and interest in continued involvement.

MOTION: To recognize a donation to the Bobby Lanier Farm Park from Methodist LeBonheur Healthcare System to support community events, educational programs and training totaling \$15,000.00.

Recognition of Donation - Parks and Recreation

Mrs. Peggy Larkin donated \$1,000.00 for the purchase of a park bench to be placed at Howard McVay Park in memory of her late husband, Dr. Charles Newton Larkin.

MOTION: To recognize a donation from Mrs. Peggy Larkin in the amount of \$1,000.00 for the purchase of a park bench and to approve Budget Adjustment No. 18-26.

Recognition of Grant Award – Memphis Area Association of Realtors

This Memphis Area Association of Realtors (MAAR) grant is for community engagement opportunities associated with Smart Growth. Economic and Community Development staff worked with MAAR to better define Smart Growth and its benefits to the community. This grant is part of the National Association of Realtors Smart Growth Program for the purpose of providing communities support for educational and engagement opportunities.

MOTION: To recognize the grant award from the Memphis Area Association of Realtors to Economic and Community Development for Smart Growth public engagement opportunities in the amount of \$5,000.00 and to approve Budget Adjustment No. 18-24.

Purchase – Multi-Purpose All Terrain Transport Equipment

The new Toro MBTX 2500 is capable of transporting heavy fill materials on soft and unlevel surfaces, particularly in confined spaces. This machine can be operated by one person and is capable of transporting 2,500 pounds of material. This machine will mostly be used by the Public Works department but can be used by other departments if required.

MOTION: To approve the purchase of one new Toro MBTX 2500 from Williams Equipment and Supply Company in the amount of \$13,845.00.

Right-of-Way Acquisition – Tract 27 – Germantown Road/Wolf River Boulevard Intersection Improvement Project

This request approves the right-of-way acquisition agreement with Zamen, LLC. for the purchase of real estate and/or easements related to improvements to the intersection of Germantown Road and Wolf River Boulevard and disbursement of the purchase price to the seller.

MOTION: To approve the right-of-way acquisition of real estate from Zamen, LLC. for the total lump sum amount of \$132,100.00 for a portion of Tract 27 and authorize the disbursement of the purchase price to the seller.

Reimbursement from TN Task Force One

Between August 25 and September 6, 2017, Fire Chief John Selberg was deployed with the FEMA Urban Search and Rescue Incident Support Team to Hurricane Harvey as part of the Federal Urban Search and Rescue response. Additionally, Captain Howard Thompson was deployed with Tennessee Task Force One to the Hurricane. FEMA reimburses the Fire Department for the regular personnel costs for those members deployed.

MOTION: To recognize reimbursement from Tennessee Task Force One in the amount of \$10,456.77 and approve Budget Adjustment No.18-25.

Professional Services Agreement – Right-of-Way Appraisal Forest Hill-Irene Road Improvements

The “saw-tooth” pattern of 4-lanes to 2-lanes and vice-versa on Forest Hill-Irene Road has resulted in unsafe driving conditions for the approximately 13,400 vehicles utilizing that stretch of road. In order to construct the roadway improvements, acquisition of right-of-way, permanent drainage easements, slope easements and/or temporary constructions easements are required. In order to acquire the necessary right-of-way/easements, those areas must be appraised in order for the City to make fair and proper offers to the individual private property owners.

MOTION: To approve a Professional Services Agreement (PSA) with Trotz Real Estates Services in an amount not to exceed \$90,000.00 for right of way appraisal services for the Forest Hill-Irene Road Improvements project.

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

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

REGULAR

Policy - Medical and RX Stop Insurance

Medical Stop Loss insurance protects the City's self-funded plan from extreme medical expense. The City has used the services of a stop loss carrier for over 20 years. The stop loss carrier works as a safety net to protect the City's self-insured medical plan. For example, if an individual medical claim exceeds \$115,000, this insurance will reimburse the City 100% of the paid eligible claims that exceed that specific deductible amount.

Motion by Ms. Gibson, seconded by Mr. Janda, to authorize the Mayor and Board to enter into a policy with American Fidelity Insurance Company for Medical /RX Stop Loss Insurance coverage for the period of January 1 through December 31, 2018 with an annual administrative cost of \$617,187.48.

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

Purchase/Agreement - Group Life and Long Term Disability

Life insurance currently covers all full-time City employees and elected officials while serving in office and amounts to 3x's annual earnings up to \$300,000. Accidental death and dismemberment insurance covers all full-time employees at 3x's annual earnings. A basic life insurance policy benefit of \$15,000 covers eligible employees, who retired after August 2000. Long-term disability insurance provides financial protection for full-time active employees by paying 66 2/3 of monthly earnings up to a maximum of \$6,000 per month. It begins after a 90-day elimination period (including salary continuation). With these three insurances, full-time employees have coverage upon death or disability.

Motion by Mr. Janda, seconded by Mr. Owens, to authorize the Mayor and Board to approve a new policy for the City of Germantown's Group Life Insurance in the annual amount of \$123,595.52 with US Able Life Insurance Co. and Long Term Disability in the annual amount of \$86,375.16 with Lincoln Financial Group, for the period of January 1, 2018 through December 31, 2019; and enter into a consulting agreement with Fowler Insurance and Employee Benefits, Inc. for the placement and handling of Group Life and Long Term Disability Insurance coverage for twenty four (24) months, beginning on January 1, 2018 and ending on December 31, 2019 with an additional 12 month extension at the City's option.

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

Public Hearing Resolution 17R26 – Amendment to the Outline Plan of the Forest Hill Heights Amended Planned Development

The approval of this outline plan amendment allows, within the boundary of the recorded PD, final site plans to be developed, pending their approval from the Planning Commission, that reflect uses permitted by the T5 District along with the appropriate density for the proposed site.

Motion by Mr. Owens, seconded by Mr. Janda, to approve Resolution 17R26, an Amendment to the Outline Plan for the Forest Hill Heights Amended Planned Development including a revision to the plat deleting the words "Multi-Family Residential shall be limited to a maximum of 12 dwelling units per acre, except".

Mayor Palazzolo asked citizens to come forward to address the Board during the public hearing.

Joseph Garaffa, 9404 Forest Hill Grove, asked for clarification on what the zone is for this area.

Edgar Babian, 3580 Crestwyn Drive, stated originally this area was zoned for residential and later to office. After fifteen years, apartments become blight and eventually blight on the school system.

Phil Conner, 3664 Crestwyn Drive, stated the residents of this area continue to try to restrict high density projects, especially apartments. He feels the value of the area homes will decline.

Carmella Spillers, 9279 Cielo Drive, stated the density of the project has increased from when it was originally presented.

Mayor Palazzolo closed the public hearing.

Motion by Mr. Massey, no second, to postpone this item. Motion failed.

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

Approval of Warrants – Forest Hill Heights Amended Planned Development, Phase 19 Final Plan (Watermark)

The purpose of this agenda item is to consider seven warrants associated with the final plan for Forest Hill Heights Amended PD, Phase 19 (Watermark) located at on the north side of Crestwyn Hill Drive and east of Tyndale Drive. The property is within the T5 Urban Center District. The T5 District allows a mixture of uses including residential, retail, commercial, and office. Warrants are deviations from the requirements of the Smart Growth districts and must be approved by both the Planning Commission and the Board.

Motion by Ms. Gibson, seconded by Mr. Janda, to approve a warrant from Sec. 23-758 to allow three civic spaces to be developed along the main street frontage of this development.

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

Motion by Mr. Owens, seconded by Mr. Janda, to approve a warrant from Sec. 23-770(4)(A) to allow buildings along the east/west road through the site and internal to the development to have a maximum building setback of 68 feet from the back of curb.

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

Motion by Mr. Owens, seconded by Mr. Janda, to approve a warrant from Sec. 23-778(B) to allow frontage build-out to be accomplished by the use of a streetscreen designed in an off-set pattern that is not built on the same plane with the buildings façades along the primary street frontage.

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

Motion by Mr. Owens, seconded by Mr. Janda, to approve a warrant from Sec. 23-786(D)(2) to allow the 30 percent transparency to apply to only the mixed use clubhouse building, and exclude the Big House® and E-Urban® building type that are exclusive residential structures.

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

Motion by Mr. Owens, seconded by Mr. Janda, to approve a warrant from Sec. 23-786(d)(3) to allow the use of cementitious (fiber cement) lap siding and EIFS as a building material within this development.

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

Motion by Mr. Owens, seconded by Mr. Janda, to approve a warrant from Section 23-792.B.2 & 23-793.A.3, to allow a driveway entrance that is 37.93 feet, face of curb to face of curb, to be located, as shown on the site plan.

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

Motion by Mr. Owens, seconded by Mr. Janda, to approve a warrant from Sec. 23-792(D)(6) to allow an additional 34 additional surface parking spaces over the required number of surface parking space for this site.

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

Project Development Contract No. 1222 - 2130 Exeter Road Holdings (Germantown Collection Shopping Center)

This agenda item is to approve Project Development Contract No. 1222 for 2130 Exeter Road Holdings to be located in the Germantown Collection Shopping Center. This project will include the construction of approximately 67,000 square feet of retail building area on a 5.3-acre site. Contract No. 1222 is a standard project development contract. The contract will allow the renovation of an existing 48,244 square foot retail building and associated parking lot, as well as the construction of a new 7,000 sq. ft. outbuilding at 2130 Exeter Rd.

Motion by Mr. Barzizza, seconded by Mr. Owens, to approve Project Development Contract 1222 for 2130 Exeter Road Holdings.

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

Public Hearing Ordinance No. 2017-09 - Amendments to Sign Ordinance Related to Permanent Signage - Second Reading

This amendment to permanent sign regulations for commercial areas will assist in providing street identity for small business owners with limited street presence, while also preserving the existing character of commercial areas in Germantown.

Motion by Mr. Barzizza, seconded by Mr. Janda, to approve on second reading Ordinance 2017-9, amendments to Chapter 14 of the Municipal Code, the Germantown Sign Ordinance related to Permanent Signs.

Mayor Palazzolo asked citizens to come forward to address the Board during the public hearing. Having no one come forward, Mayor Palazzolo closed the public hearing.

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

Project Development Contract No. 1218 - Take 5 Oil Change

This project will include the construction of a 2,373 square foot commercial building. Contract No. 1218 is a standard project development contract. The property is a small site (0.376 acres) located at the western border of the city.

Motion by Ms. Gibson, seconded by Mr. Barzizza, to approve Project Development Contract 1218 for Take 5 Oil Change.

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

Ordinance 2017-08 – Amend Chapter 2, Article V, Division 5, Section 182 of the Code of Ordinances – Revision to Neighborhood Preservation Commission Membership Requirements - Third and Final Reading

The purpose of this item is to approve an amendment to the Neighborhood Preservation Commission membership by 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 in the

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ordinance, the membership of the NPC would still be the twelve members outlined in Section 2-127 (d) of the code but the requirement that members be appointed from the Planning Commission and the Design Review Commission is deleted. The amendment would allow the Board to appoint all twelve members instead of ten.

Motion by Ms. Gibson, seconded by Mr. Barzizza, to approve on third reading Ordinance 2017-08 amending Chapter 2, Article V, Division 5, Section 182 of the Code of Ordinances.

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

Meeting Adjourned.

Mike Palazzolo, Mayor

Michele Betty, City Clerk/Recorder