

BOARD OF MAYOR AND ALDERMEN

January 22, 2018

The regular meeting of the Board of Mayor and Aldermen was held on Monday, January 22, 2018, 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, Tim Bierdz, Tony Fischer, Tim Gwaltney, Richard Hall, David Harris, Jason Huisman, Patrick Lawton, Bo Mills, Cathryn Perdue, Phil Rogers, Cameron Ross, Emily Rozar, John Selberg and Steve Wilensky.

Call to Order

The Mayor called the meeting to order.

Invocation

Bo Mills gave the invocation.

Pledge of Allegiance

Mr. Barzizza led the Pledge of Allegiance.

Set Agenda

There were no changes to the agenda.

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

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

Approval of January 8, 2018 Minutes

There were no corrections to the January 8, 2018 minutes.

Motion by Mr. Janda, seconded by Mr. Barzizza, to approve the January 8, 2018 minutes as written.

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

Special Recognition

Germantown Education Commission January Teacher of the Month

The January 2018 Teacher of the Month award recipient was Ms. Melinda Henson. Ms. Henson is a fifth grade math teacher at Dogwood Elementary School.

Germantown Education Commission January Youth Excellence Award

The January 2018 Youth Excellence Award recipient was Sneha Sharma, a senior at St. Mary's Episcopal School.

Vesta Home Show

This year's Vesta Home Show took place in Germantown's Chapel Cove subdivision November 18 to December 10. Over 16,000 people attended. The Germantown Education Foundation (GEF) was named the Charity of Choice, and received \$1 for each ticket sold. As a result, GEF received a total of \$18,674.57 including \$16,268.00 in ticket proceeds from Vesta and a \$2,406.57 donation from Invisible Fence of Memphis. GEF, in partnership with Germantown Baptist Church, brought in more than 362 volunteers to help make the Home Show possible.

Alderman Liaison Reports

The Aldermen reported on their commission activities.

Citizens to be Heard

Zoe Fleming, 9645 Mourning Dove Cove, stated the city takes pride in being a residential, bedroom community and believes the present moratorium is insufficient.

Sarah Freeman, 7684 Apahon Lane, stated the Smart Growth processes have been undercut and feels the citizens are at the mercy of the developers.

Vicki O'Brien, 7253 Creathwood Cove, asked the Board to not approve anymore apartment complexes. The schools are packed to capacity. She recommended low maintenance, zero-lot line dwellings for senior citizens, empty nesters, and young people trying to move into Germantown.

Jason Sharp, 7214 Creathwood Cove, stated the moratorium appears to be an attempt to convince the residents that Smart Growth is good development.

Herschel Freeman, 7684 Apahon Lane, passed his opportunity to speak. He felt his wife covered what he was going to say.

Lew Wardlaw, of Martin Tate Morgan & Marston, PC, 6410 Poplar Avenue, representing Watermark at Forest Hill and their developers, stated that his clients oppose the proposed motion to amend Resolution 18R03. On November 11, 2017, the Board of Mayor and Aldermen approved the Watermark development. He stated the City cannot now change the development of the property as it has been previously approved.

Woods Weathersby, 1000 Ridgeway Loop Road, representing Boyle Investment Co., stated the investment company purchased property on Winchester Road in November 2017 in compliance with the adoption of Forest Hill Small Area Plan and urban zoning which allows for multi-family apartments. Boyle Investment Co. objects to Resolution 18R03.

Philip Conner, 3664 Crestwyn Drive, stated that what is bad for part of the city is bad for the entire city and the city must be protected from developers who are only interested in putting money in their pockets without regard to the cost to the taxpayers. He feels the amendment on the agenda will eliminate loopholes in the current moratorium.

Morris Fisher, 2271 Riverdale, stated apartments built in the Forest Hill Heights area will contribute to overcrowding in the new school. He is concerned that the wishes of the people are not being carried out by the majority of the aldermen.

Woody Welch, 3216 Hollow Creek, stated the city doesn't really have a business district, it is all retail. The land between Cordova Road and Germantown Road would be an ideal location for a business district.

CONSENT

Appointment to Beautification Commission

There is currently one vacancy on the Beautification Commission. Mrs. Ruth Crawford has expressed her desire to serve on this commission.

MOTION: To approve the appointment of Mrs. Ruth Crawford to serve on the Beautification Commission until December 31, 2018.

Appointment to Great Hall & Conference Center Advisory Commission

There are currently two vacancies on the Great Hall & Conference Center Advisory Commission. Ms. Christy Gilmour has expressed her desire to serve on this commission.

MOTION: To approve the appointment of Ms. Christy Gilmour to serve on the Great Hall & Conference Center Advisory Commission until December 31, 2018.

Appointment to Personnel Advisory Commission

There are currently three vacancies on the Personnel Advisory Commission. Mr. Richard Rossen has expressed his desire to serve on this commission.

MOTION: To approve the appointment of Mr. Richard Rossen to serve on the Personnel Advisory Commission until December 31, 2018.

Appointment to Retirement Plan Administration Commission/Other Post Employment Benefits

There is currently one vacancy on the Retirement Plan Administration Commission/OPEB. Ms. Gena Wolbrecht has expressed her desire to serve on this commission.

MOTION: To approve the appointment of Ms. Gena Wolbrecht to serve on the Retirement Plan Administration Commission/OPEB until December 31, 2018.

Change Order No. 1 – Howard Road Culvert Replacement Project Closeout

The purpose of this agenda item is to close out the Howard Road Culvert Replacement Project with Delgado General Corporation. Change Order No. 1 will increase the contract amount by \$3,017.75 from \$147,252.00 to \$150,269.75. There was one change order for two items which included adding concrete slope paving in the amount of \$1,700.00 and six (6) trees for planting screen in the amount of \$1,317.75.

MOTION: To authorize the Mayor to close out the Howard Road Culvert Replacement Project with Delgado General Corporation by approving Change Order No. 1 and Budget Adjustment No. 18-31, increasing the contract amount by \$3,017.75 from \$147,252.00 to \$150,269.75.

Donation – Germantown Community Library

The following individuals and organizations have contributed these donations to the Community Library:

English Meadows Garden Club \$25.00	Republican Women’s Club \$100.00
Dogwood Creek Bunco Group \$40.00	Friends of the Germantown Community Library \$1,800.00
Leadership Germantown \$300.00	Millicent Webb \$20.00

The following individuals and organizations have contributed these donations to the Germantown Regional History and Genealogy Center:

Nancy C. Holte \$14.00 Chief Piomingo Chapter of DAR \$50.00 June S. Smith Living Trust \$50.00

MOTION: To approve donations of \$2,285.00 to the Germantown Community Library and \$114.00 to the Germantown Regional History and Genealogy Center, and to approve Budget Adjustment No.18-36.

Donation - Germantown Education Commission

The purpose of this agenda item is to recognize donations from Principle Toyota to the Germantown Education Commission totaling \$3,500.00. Principle Toyota continues their generous support of the Germantown Education Commission. The donated funds will be used to fund awards for Teacher of the Month, Youth Excellence Award winners, Teacher of the Year and New Teacher of the Year.

MOTION: To recognize donations to the Germantown Education Commission, totaling \$3,500.00, and approve Budget Adjustment No. 18-33.

Donation – Germantown Education Foundation (Fill the Fountain-FY18)

The purpose of this agenda item is to authorize the remittance of money collected from citizens and others during FY18 (1st and 2nd quarters) to the Germantown Education Foundation. This program has no budgetary impact on the City as the money is collected from citizens through their monthly utility bill.

MOTION: To approve the transfer of funds collected by the City from residents and others to the Germantown Education Foundation in the amount of \$8,051.00.

Donation – Police Department – Kramer

The purpose of this agenda item is to recognize a donation of \$50.00 from Patrick & Sandra Kramer. The donated money is to be used to supplement the Germantown Crime Stoppers fund.

MOTION: To recognize a donation received from Patrick & Sandra Kramer in the amount of \$50.00.

Donation – Police Department – Warren

The purpose of this agenda item is to recognize a donation of \$250.00 from Joseph Warren, Jr. The donated money is to be used to supplement the Germantown Crime Stoppers fund.

MOTION: To recognize a donation received from Joseph Warren, Jr. in the amount of \$250.00.

Germantown Athletic Club – Club Management Software Contract Extension

The purpose of this agenda item is to authorize the third contract extension option and recurring monthly fees of \$1,321.00 to Jonas Fitness Incorporated for web-based software use at the Germantown Athletic Club for a period of one year. This is an annual cost of \$15,852.00, with only \$6,605.00 being spent in FY18 and the remaining \$9,247.00 being allocated to FY19.

MOTION: To authorize the contract extension and recurring monthly fees of \$1,321.00 to Jonas Fitness Incorporated for web-based software use at the Germantown Athletic Club for a period of one year.

Purchase – Decorative Street Sign Posts

This item is to enter into a contract with West Tennessee Ornamental Door for the purchase of decorative street and regulatory signposts and street sign brackets, which are designed to enhance neighborhood character and improve safety by identifying streets more easily. Under the program, neighborhoods share in the cost of the initial installation of the street signposts paying 50% of the street signpost cost. The City pays 100% of the installation of the stop signs associated with the street signs. After installation, future maintenance of both the street signs and the regulatory signs are the responsibility of the City.

MOTION: To authorize the Mayor to enter into a contract with West Tennessee Ornamental Door for the fabrication of the decorative street signposts, regulatory signposts and brackets. In addition, to approve the purchase of 13 decorative street signs, 10 decorative stop signposts and 26 sign brackets in the amount of \$10,570.00 and approve Budget Adjustment No. 18-34.

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

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

REGULAR

Alderman Owens stated he is a member of Germantown Presbyterian Church. He stepped down from the dais.

Project Development Contract No. 1221 – Germantown Presbyterian Church, Phase 2

The purpose of this agenda item is to approve Project Development Contract Number 1221 for Germantown Presbyterian Church, Phase 2, which will consist of construction of the education wing, fellowship hall, and minor additions to the existing chapel. Phase 1, completed in 2012 under development contract No. 1171, included the construction of the administrative wing of the church, staff offices, some education space, a welcome center and minor revisions to the parking and circulation along the west side of the property.

Motion by Ms. Gibson, seconded by Mr. Barzizza, to approve Project Development Contract 1221 for Germantown Presbyterian Church, Phase 2.

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

Alderman Owens returned to the dais.

Right-of-Way Acquisition – Tract 14 (RB-Germantown, LLC) – Germantown Road/Wolf River Boulevard Intersection Improvement Project and Resolution No. 18R04

This agenda item is to consider the approval of Resolution No. 18R04, which authorizes the City of Germantown and the State of Tennessee to acquire, from RB-Germantown, LLC and any lien holders, Tract 14. This acquisition of real estate and/or easements related to the intersection improvements of Germantown Road and Wolf River Boulevard will be by the exercise of eminent domain, vested in the City and State, for the purchase price of \$430,932.00, or such other amount as may be found to be due by the Courts to the owner.

Motion by Mr. Owens, seconded by Ms. Gibson, to approve Resolution 18R04, authorizing the City of Germantown and State of Tennessee to acquire, by eminent domain, from RB-Germantown, LLC and any lien holders, the property described in Attachment 3, identified as Tract 14, for the total lump sum amount of \$430,932.00, or such other amounts as found to be due by the Courts, to the owner for improvements to the Germantown Road/Wolf River intersection; authorizing the City Attorney and Attorney General to proceed with condemnation proceedings and authorizing the City to pay said sums to Courts as may be required.

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

Right-of-Way Acquisition – Tract 17 – Germantown Road/Wolf River Boulevard Intersection Improvement Project and Resolution No. 18R05

This agenda item is to consider the approval of Resolution No. 18R05, which authorizes the City of Germantown and the State of Tennessee to acquire, from AmSouth Bank d.b.a. Regions Bank, Tract 17. This acquisition of real estate and/or easements related to the intersection improvements of Germantown Road and Wolf River Boulevard will be by the exercise of eminent domain, vested in the City and State, for the purchase price of \$28,150.00, or such other amount as may be found to be due by the Courts to the owner.

Motion by Mr. Janda, seconded by Mr. Owens, to approve Resolution 18R05, authorizing the City of Germantown and State of Tennessee to acquire, by eminent domain, from AmSouth Bank d.b.a. Regions Bank the property described in Attachment 2, identified as Tract 17, for the total lump sum amount of \$28,150.00, or such other amounts as found to be due by the Courts, to the owner for improvements to the Germantown Road/Wolf River Blvd. intersection; authorizing the City Attorney and Attorney General to proceed with condemnation proceedings and authorizing the City to pay said sums to the Courts as may be required.

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

Amendment to Resolution No. 18R03

Alderman Massey requested that an amendment to Resolution No. 18R03 be considered by the Board.

Motion by Ms. Gibson, seconded by Mr. Barzizza, to consider an amendment to Resolution No. 18R03.

Motion by Mr. Barzizza, seconded by Mr. Massey, to form an independent commission, selected by the Board of Mayor and Aldermen, during the moratorium to study and discuss each location with the stakeholders on both sides.

The motion by Mr. Barzizza, seconded by Mr. Massey, was withdrawn.

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

BEER BOARD HEARINGS

Suspension/Revocation of Beer License - Circle K #3660 - 1351 S. Germantown Road

The purpose of this agenda item is to review a charge of sale of beer to a minor at Circle K #3660, located at 1351 S. Germantown Road. On August 15, 2017, the Shelby County Sheriff's Office (SCSO) conducted an undercover sting investigation of beer permit holders in Shelby County. On that date, a 19-year-old Cooperating Individual (CI), working with the Sheriff's Office, was sold beer by the defendant. The defendant did check the CI's identification. Officer R. McKinney did witness the transaction and issued the defendant a misdemeanor citation.

No representative from Circle K appeared before the Beer Board.

Motion by Mr. Janda, seconded by Ms. Gibson, to find Circle K #3660, located at 1351 S. Germantown Road, 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.

Motion by Mr. Janda, seconded by Mr. Barzizza, to approve an indefinite suspension of the beer permit issued to Circle K #3660, located at 1351 S. Germantown Road.

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

Circle K has seven days from the Board Beer Board hearing to remove the product. They may petition for a rehearing.

Suspension/Revocation of Beer License - Germantown Shell - 7617 Poplar Avenue

The purpose of this agenda item is to review a charge of sale of beer to a minor at Germantown Shell, located at 7617 Poplar Avenue. On August 15, 2017, the Shelby County Sheriff's Office (SCSO) conducted an undercover sting investigation of beer permit holders in Shelby County. On that date, a 20-year-old Cooperating Individual (CI), working with the Sheriff's Office, was served beer by the defendant. The defendant did check the CI's identification. Officer M. Roman did witness the transaction and issued the defendant a misdemeanor citation.

Motion by Mr. Barzizza, seconded by Mr. Owens, to find Germantown Shell, located at 7617 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.

Motion by Mr. Barzizza, seconded by Ms. Gibson, to issue a seven day suspension of beer license or a \$500 civil penalty for Germantown Shell, located at 7617 Poplar Avenue.

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

Suspension/Revocation of Beer License - Shell Food Mart - 9095 Poplar Avenue

The purpose of this agenda item is to review a charge of sale of beer to a minor at Shell Food Mart, located at 9095 Poplar Avenue. On August 15, 2017, the Shelby County Sheriff's Office (SCSO) conducted an undercover sting investigation of beer permit holders in Shelby County. On that date, a 20-year-old Cooperating Individual (CI), working with the Sheriff's Office, was sold beer by the defendant. The defendant did not check the CI's identification. Officer M. Roman did witness the transaction and issued the defendant a misdemeanor citation.

Motion by Mr. Barzizza, seconded by Ms. Gibson, to find Shell Food Mart, located at 9095 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.

Motion by Mr. Barzizza, seconded by Ms. Gibson, to issue a seven day suspension of beer license or a \$500 civil penalty for Shell Food Mart, located at 9095 Poplar Avenue.

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

Meeting Adjourned.

Mike Palazzolo, Mayor

Michele Betty, City Clerk/Recorder