

BOARD OF MAYOR AND ALDERMEN

February 12, 2018

The regular meeting of the Board of Mayor and Aldermen was held on Monday, February 12, 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, Tony Fischer, Tim Gwaltney, Richard Hall, David Harris, Jason Huisman, Andy Jones, Patrick Lawton, Marie Lisco, Bo Mills, Cathryn Perdue, Matt Price, Cameron Ross, Emily Rozar, Andy Sanders, John Selberg and Steve Wilensky.

Call to Order

The Mayor called the meeting to order.

Invocation

Reynold Douglas gave the invocation.

Pledge of Allegiance

Vice Mayor Gibson led the Pledge of Allegiance.

Set Agenda

During the executive session, the Board unanimously agreed to move #11 Wolf River Blvd./Germantown Rd. Intersection Improvements Project – Professional Services Agreement Supplement No.3 to the Consent Agenda, and move #9d Grant- Germantown Education Foundation to the Regular Agenda.

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

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

Approval of January 22, 2018 Minutes

There were no corrections to the minutes.

Motion by Mr. Janda, seconded by Ms. Gibson, to approve the minutes of the Board of Mayor and Aldermen meeting held January 22, 2018.

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

Special Recognition – Germantown Police Department Reaccreditation

In January 2018, Tennessee Law Enforcement Accreditation (TLEA) assessors from outside law enforcement agencies conducted an on-site visit and assessment of department records. The assessors prepared a comprehensive report of their findings which were submitted to the TLEA review panel comprised of Tennessee chiefs. During the Tennessee Association of Chiefs of Police meeting held on February 1, 2018, the department was presented with its re-accreditation award.

Alderman Liaison Reports

The aldermen reported on their commission activities.

Citizens to be Heard

Kevin Speed, 9181 Forest Downs, stated the homeowners in Forest Hill Heights were promised, when the area was first annexed, that there would not be any zoning changes. The Reaves - Schaeffer rezoning does not fit in with the area.

Ken Hoover, 3040 Sandy Creek Drive, stated Watermark does fit in with the Forest Hill Heights area plan, but Viridian does not fit. Development should follow the plan and be measured against it.

Brian Barbeito, 9316 Garner Woods Cove, is the CEO for Mid South Imaging and Therapeutics. Three years ago he moved the corporate headquarters and imaging center to Germantown. He and his family are patients of the clinic. He supports the retention PILOT for Campbell Clinic.

Erich Mounce, 7945 Wolf River Blvd., is the CEO for West Cancer Center. In 2015, after reviewing many options, they chose to open the cancer center in Germantown. It is imperative for the West Clinic to collaborate with the caliber of physicians like those at Campbell Clinic. He asked the Board to approve the retention PILOT for Campbell Clinic.

CONSENT

Contract - Wireless Transmission Facility Agreement - SprintCom, Inc.

The original lease dates from 1998, when the City approved agreements to allow wireless transmission facilities consisting of cellular telephone antennas and associated equipment compounds to be located on City property. The proposed lease amendment is for equipment located at the Water Tower Complex. The new lease amendment agreement does not affect the physical structure at the site and existing City properties remain unchanged. The negotiated lease amendment agreement is for an initial 5-year term with up to 5 additional, 5-year term renewals totaling a maximum lease agreement of 30 years.

MOTION: To approve an amendment to the lease agreement with SprintCom, Inc. for access to City property for a Wireless Transmission Facility.

Donations - Germantown Community Library

The Library works in partnership with many local organizations and individuals to provide top quality services to its patrons. Donations made by the Friends of the Germantown Community Library offer steady support to a variety of library needs. The \$1,000.00 donation was designated by the Friends to provide funding for an Escape Room program that will be part of Summer Reading 2018. The Heritage Women's Club has designated their \$1,000.00 donation for use by the Children's Department.

MOTION: To approve donations of \$2,000.00 to the Germantown Community Library and to approve Budget Adjustment No. 18-42.

Fiscal Year 2019 Budget Calendar

Each year, a budget calendar is developed for the timely completion of the City's annual operating and capital budgets for the forthcoming fiscal year. The calendar identifies the major reviews in preparing the annual budget, the meetings scheduled for the Financial Advisory Commission and the three readings on the budget adoption by the Board.

MOTION: To approve the Fiscal Year 2019 Budget Calendar.

Wolf River Blvd/Germantown Rd. Intersection Improvements Project - Professional Services Agreement Supplement No. 3

This supplement is necessary to cover additional consultant efforts arising from the right-of-way assistance acquisition phase. During property owner negotiations with the various tracts, numerous plan revisions were necessary above and beyond the original scope of services. Often times the requested plan changes were to accommodate owner's preference to have less impact on existing parking areas and/or existing landscaping. Also, the original scope included one project right-of-way field staking. Memphis Light Gas & Water has requested for the right-of-way to be staked a second time for their purposes.

MOTION: To approve Supplement No. 3 to a professional services agreement with Buchart-Horn, Inc. in the amount of \$17,468.00, increasing the contract amount from \$262,388.00 to \$279,856.00 for design services related to the Wolf River Boulevard/Germantown Road Intersection Improvements project and to approve Budget Adjustment No. 18-39.

Ordinance 2017-7 Amended - Rezoning Wolf River Center - Correction to the Legal Description

The Board approved the rezoning of Part of Lot 2, Wolf River Center – Phase 1, 1st Addition at its third and final reading on November 27, 2017. The approved rezoning was for a 5.284-acre portion of this property. However, the legal description of the property contained in approved Ordinance 2017-7 incorrectly encompassed the entire 11.36 acres of the property, rather than just the 5.284-acre portion that was rezoned. This request does not alter the rezoning approval and is solely to rectify a clerical error.

MOTION: To approve Ordinance 2017-7 Amended - Rezoning Wolf River Center – Correction to the Legal Description.

Right-of-Way Acquisition - Tract 1 - Germantown Road/Wolf River Boulevard Intersection Improvement Project

Consistent with TDOT requirements, an appraisal of all rights-of-way and easements on Tract 1 was performed by Bouldin and Associates. A review of the appraisal was conducted by Douglas B. Hall. The fair market value of the property to be acquired was determined to be \$29,215.00. An offer in this amount was made to the property owner, G & I VII Brook Chase, L.L.C., by third party negotiator Mr. Andrew F. Miller of Stanfield Consultants. The property owner declined the offer and countered at an amount of \$35,000.00, an increase of \$5,785.00 which is approximately 20% above the appraised value. Mr. Miller recommended an administrative settlement of this amount.

MOTION: To approve the right-of-way acquisition of real estate from G & I VII Brook Chase, L.L.C. for the total lump sum amount of \$35,000.00 for a portion of Tract 1 and authorize the disbursement of the purchase price to the seller.

Right-of-Way Acquisition - Tract 15 - Germantown Road/Wolf River Boulevard Intersection Improvement Project

Consistent with TDOT requirements, an appraisal of all rights-of-way and easements on Tract 15 was performed by Bouldin and Associates. A review of the appraisal was conducted by Douglas B. Hall. The fair market value of the property to be acquired was determined to be \$234,100.00. An offer in this amount was made to the property owner, South Germantown Road Center, L.L.C., by third party negotiator Mr. Andrew F. Miller of Stanfield Consultants. The property owner declined the offer and made two (2) unacceptable counter offers. Mr. Miller made a final offer to the owners in an amount of \$257,400.00 which the owners accepted. This offer results in an increase of \$23,300.00 which is approximately 10% above the appraised value. Mr. Miller recommended an administrative settlement of this amount.

MOTION: To approve the right-of-way acquisition of real estate from South Germantown Road Center, L.L.C. for the total lump sum amount of \$257,400.00 for a portion of Tract 15 and authorize the disbursement of the purchase price to the seller.

Water Treatment Plant SCADA System Upgrade - Software Acquisition

This upgrade will modernize the existing system and provide continuity between the two water treatment plants. This authorization will be for the first of three items needing authorization moving forward. The other two items will consist of authorization for the installation and maintenance of the upgraded software under an existing services agreement with Gaines, Williams and Associates.

MOTION: To authorize the purchase of the software upgrade for the SCADA System for both the Southern Avenue and Johnson Road Water Treatment Plants in the amount of \$16,985.00 from IAC Supply Solutions and to declare replaced equipment as surplus.

Wireless Transmission Facility Modification - Verizon Equipment Upgrade - 7624 Poplar Pike

Crown Castle has an existing cell tower situated on property that is leased from the City of Germantown and located at the Water Tower Complex (7624 Poplar Pike), on which Verizon wireless is one of the current service providers. The lease agreement between the City and Crown Castle allows for the maintenance, placement, updating, or replacement of equipment as may be needed on the existing tower structure. The installation of the new equipment does not require public improvements at this site. The proposed request would grant the approval necessary for Verizon to obtain a building permit and install the proposed equipment on the existing tower within the existing compound.

MOTION: To approve the request allowing an equipment upgrade on three existing antennas for Verizon Wireless on the existing Wireless Transmission Facility located at the Water Tower Complex at 7624 Poplar Pike.

Wireless Transmission Facility Modification - Verizon Equipment Upgrade - Cameron Brown Park - 8594 Farmington Blvd.

This equipment upgrade will allow the replacement of three antennas with new antennas to be installed on a wireless transmission facility located at Cameron Brown Park. The installation of the new equipment does not require public improvements at this site. The proposed request would grant the approval necessary for Verizon to obtain a building permit and install the replacement antennas and equipment on the existing tower within the existing compound.

MOTION: To approve the request allowing an equipment upgrade by the replacement of three existing antennas with new antennas and their associated equipment for Verizon Wireless on an existing Wireless Transmission Facility located in Cameron Brown Park at 8594 Farmington Blvd.

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

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

REGULAR

Grant – Germantown Education Foundation

The fiscal year 2018 budget includes \$100,000.00 intended to support the activities of the Germantown Education Foundation. Action by the Board of Mayor and Aldermen is necessary to transfer these funds to the Foundation.

Motion by Mr. Janda, seconded by Ms. Gibson, to approve payment of a grant to the Germantown Education Foundation in the amount of \$100,000.00.

Motion by Mr. Massey to amend the original motion by appropriating the \$100,000.00 to the Germantown Municipal School District. There was no second. Motion failed.

ROLL CALL: On original motion by Mr. Janda, seconded by Ms. Gibson, to approve payment of a grant to the Germantown Education Foundation in the amount of \$100,000.00.

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

Approval of Legislative Agenda

The Board was asked to consider the adoption of the legislative agenda for 2018. There are several legislative issues the City will be tracking and monitoring while the Tennessee General Assembly is in session. Many of these items have been before the General Assembly for consideration in the past. Others are preemptive in nature. The Administration works closely with our representatives, senators and lobbyist in supporting or opposing the items that impact the city.

Motion by Ms. Gibson, seconded by Mr. Janda, to approve the City of Germantown 2018 legislative agenda.

Motion by Mr. Massey to amend the motion to support HB884 which proposes that handgun carry permit holders be allowed to carry firearms anywhere in the state unless consuming or under the influence of alcohol or controlled substance. There was no second. The motion failed.

ROLL CALL: On the original motion by Ms. Gibson, seconded by Mr. Janda, to approve the City of Germantown 2018 legislative agenda.

Barzizza-abstain, Gibson-yes, Massey-no, Owens-yes, Janda-yes. Motion approved.

Retention PILOT – Campbell Clinic, P.C.

Campbell Clinic, P.C. and Wolf River Medical Center LTD L.P., owners of the real property on which Campbell Clinic will have its 120,000 square foot new medical office, as well as planned renovations to the existing orthopaedic clinic/physical therapy building and existing surgery center, have requested a Retention PILOT with 75% of the real and personal property taxes to be abated. On January 29, 2018, the Germantown Industrial Development Board approved the recommendation of an eight (8) year Retention PILOT for Campbell Clinic.

Motion by Mr. Owens, seconded by Mr. Janda, to approve a Retention PILOT of eight (8) years with 75% abatement of real and tangible personal property taxes for Campbell Clinic as set forth in the provided IDB Resolution No. 2018-1.

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

Ordinance 2018-5 - Rezoning of Reaves - Schaeffer Property - 3258 Forest Hill Irene Road and 9190 Winding Oak Way - From “C-1” Neighborhood Commercial and “RE-1” Residential Estate to “R” Residential Zoning – First Reading

The rezoning of the subject property is being proposed in order to allow for more variety of single-family lot types. The majority of the property is vacant, with one house on the southeast portion, at 9190 Winding Oak Way. The entire property is 41.78 acres, with 6.835 acres already zoned “R” Residential. A 2.807-acre portion, on which the house at 9190 Winding Oak Way is located, would remain “RE-1” Residential Estate.

Motion by Mr. Owens, seconded by Mr. Janda, to approve on first reading Ordinance 2018-5, the rezoning of the Reaves-Schaeffer property (3258 Forest Hill Irene Road and 9190 Winding Oak Way) from “C-1” Neighborhood Commercial and “RE-1” Residential Estate to “R” Residential zoning, and set a Public Hearing on March 12, 2018.

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

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

BEER BOARD HEARING – Reevaluation of Suspension of Beer License - Circle K #3660 - 1351 S. Germantown Road

The Beer Board reevaluated the indefinite suspension of beer license for Circle K #3660. The Police Department served notice of the January 22, 2018 beer hearing to Circle K#3660 on December 5, 2017. No representative of Circle K #3660 appeared at the hearing. The Board suspended their beer license indefinitely. Circle K #3660 contacted the City on January 23, 2018 for a rehearing. Circle K's attorney filed a Petition, Writ, Fiat and Cost Bond which reinstated the beer permit pending the reevaluation hearing.

Representatives from Circle K admitted guilt to selling beer to a minor. They did not appear at the initial hearing due to an error on their calendar. They have begun additional training and hired a third party company to perform stings.

Motion by Mr. Barzizza, seconded by Mr. Janda, to issue a \$1,500.00 civil fine in lieu of suspension to Circle K #3660, located at 1351 S. Germantown Road.

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

Meeting adjourned.