

BOARD OF MAYOR AND ALDERMEN

March 26, 2018

The regular meeting of the Board of Mayor and Aldermen was held on Monday, March 26, 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, Paul Chandler, Reynold Douglas, Tony Fischer, Tim Gwaltney, Richard Hall, David Harris, Jason Huisman, Patrick Lawton, Bo Mills, Daniel Page, Lisa Piefer, Linda Rathje, Cameron Ross, Emily Rozar, John Selberg and Steve Wilensky.

Call To Order

The Mayor called the meeting to order.

Invocation

Reynold Douglas gave the invocation.

Pledge of Allegiance

Alderman Janda led the Pledge of Allegiance.

Set Agenda

During the executive session, the Board unanimously agreed to move to the Consent Agenda item #12 Tenant-Owned Improvement Agreement – Tract 16 – Germantown Road/Wolf River Boulevard Intersection Improvement Project. The Board agreed to defer, until the April 9, 2018 Board meeting, item #15 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 – Third and Final Reading.

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

Motion by Mr. Massey, seconded by Mr. Barzizza, to amend the agenda to enter Mr. Massey’s comments regarding deferred item #15, Ordinance 2018-5 - Rezoning of Reaves - Schaeffer Property, into the record.

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

ROLL CALL: On original motion by Mr. Barzizza, seconded by Mr. Owens, to approve the agenda as amended.

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

Approval of March 12, 2018 Minutes

Motion by Mr. Barzizza, seconded by Ms. Gibson, to modify the minutes from the Board of Mayor and Aldermen meeting held on January 8, 2018 to include comments made by the Mayor and Vice-Mayor regarding the Owens’ Triangle. The comments are as follows:

Ms. Gibson stated the proposed moratorium comes at a time there is great interest in Germantown and believes it will provide a necessary pause in multifamily units without stifling development in the central business district, the western gateway, or Forest Hill Heights. After the last four months, in meetings with Economic and Community Development administration and developers in the Forest Hill Heights and Arthur Tract Areas, she stated she considered the temporary ban on multifamily residences.

She expressed her appreciation to the residents who contacted her to share their concerns about development

in the Cordova Triangle. Ms. Gibson stated these conversations began last January when changes were proposed for this area and continued over the summer with dialogue on the buffer zone between any development surround the triangle, and most recently when neighbors were advised of a potential new development. Ms. Gibson emphasized that word of a potential new development came from developers, not the City. The developer has not filed anything with the City.

Ms. Gibson stated she received emails in support of the moratorium, expressing their concerns about the impact multifamily development could have on City services, such public safety schools. Because this is planned growth, she is confident in the feedback she received from the fire and police department that they are able to provide service in the manner the citizens have come to expect.

She stated she met with Jason Manual, GMSD School Superintendent, and School Board Chairman Linda Fisher regarding projections the District made with their demographer for not only the new elementary school off of Forest Hill, but for all of the schools in the District. She believes the school leadership when they say they counted for projected development numbers in the Forest Hill Heights small area plan and the other plans in the city.

Ms. Gibson stated options other than single family houses are good for Germantown. Homeownership is changing with young people buying starter homes and seasoned residents are downsizing. Germantown residents who live in apartments may do so because of the park system, exceptional schools, and safe neighborhoods and to be near loved ones. Apartment dwellers should not be considered less than someone who owns a single family home. We are all neighbors. Some of the conversations on social media cross line as “us versus them” dialogue and has no place in a community of kindness. The concentration should be on what is real, not based on a perception of other communities’ issues and challenges, but facts and intuition from professionals who are charged with making us one of the safest cities in the state. The GMSD is the number one school district in the state.

She stated it is necessary to look to the future, while preserving our heritage in the Old Germantown District and in neighborhoods. She knows that two of the aldermen vehemently oppose Smart Growth, which was adopted by the City 10 years ago. She respects but disagrees with their perspective and opinion. Smart Growth is different from the Germantown of her childhood, but this does not make it bad. She was sad to see the old cinderblock Checkerberry Shop be torn down, but felt it was best for the city.

Ms. Gibson stated she is aware of those fanning the flame that multifamily residences aren’t a worthy addition to the city. These developments can be an asset to the community if developed well and with the controls the City already has in place. The multifamily units that have been approved are comparable to the ones seen in the community to our east, with their attractive, safe, and clean walkable communities built close to office and light retail. The Thornwood and TraVure developments are the first true mixed use projects to come out of the visioning steering committee years ago, made up of the best, brightest in the city, and dedicated neighbors who came together to envision what could be in Germantown. She stated she is eager to see those developments completed as she believes this will go a long way in diffusing some of the concerns many have right now.

She stated her son had a serious eye injury many years ago. From those days, the word “vision” has meant something special. As a mom, person of faith, and as a leader, “vision” means to have the courage to see something differently. Leaders have to communicate the vision of thoughtful, deliberate and reasoned development necessary to sustain public safety, schools and quality of life such as parks, library, and performing arts center. She stated that for her, this is the heart of these important and complex decisions.

Ms. Gibson stated she would like for staff, while they’re doing their analysis, to come back to the Board with

a proposal to remove the Cordova Triangle from the Central Business District leaving it strictly as single family residential. She asked that staff pay particular attention to how the T4 removal affects the buffer zones- the landscape preservation areas which would no longer exist.

Ms. Gibson offered an amendment to the moratorium to include all multi family, including Smart Growth, with the exclusion of brownstones, townhomes, condominiums and attached patio homes.

While the Board reviewed hard copy of the amendment, Mayor Palazzolo stated personally and on behalf of the City staff and administration, they do not have issue with either of the two proposals. He stated staff will be directed to begin the work and due diligence to look to safely and legally remove the Cordova Triangle from the Central Business District. He stated they have no opposition in amending the moratorium that was brought forward.

ROLL CALL: On the Motion by Mr. Barzizza, seconded by Ms. Gibson, to modify the minutes from the Board of Mayor and Aldermen meeting held on January 8, 2018 to include comments made by the Mayor and Vice-Mayor regarding the Owens' Triangle.

Barzizza-yes, Gibson-yes, Massey-yes, Owens-yes, Janda-yes. Motion approved.

Motion by Mr. Massey, seconded by John Barzizza, to amend the March 12, 2018 minutes to reflect School Board member Lisa Parker did not have the authority of the School Board to speak in favor of the rezoning of Reaves - Schaeffer property.

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

Motion by Mr. Owens, seconded by Mr. Janda, to approve the minutes of the Board of Mayor and Aldermen meeting held March 12, 2018.

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

Resolution 18R07 – MLK50

The Board of Mayor and Aldermen was asked to consider the adoption of Resolution 18R07 honoring Dr. Martin Luther King, Jr. on the 50th anniversary of his assassination.

Motion by Mr. Janda, seconded by Ms. Gibson, to adopt Resolution 18R07 – a resolution honoring Dr. Martin Luther King, Jr. on the 50th anniversary of his assassination.

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

Special Recognition

Germantown Education Commission Teacher of the Month, March 2018

The March 2018 Teacher of the Month award was presented to Ms. Shannon Miller, a sixth grade teacher at Riverdale.

Germantown Education Commission Youth Excellence Award, March 2018

The March 2018 Youth Excellence Award was presented to Adam Kim, a senior at Houston High School.

Houston High School Varsity Cheerleading Team

The HHS Varsity team won the 2018 Super Varsity National Championship, as well as the 2018 World Championship.

Houston High School JV Cheerleading Team

The HHS JV team won the 2018 World School Championship and earned 2nd place in the National JV Non-tumbling Competition.

Houston Middle School Cheerleading Team

The team won the Junior High division of the 2018 National High School Cheerleading Championship followed by a second place win at the World School Cheer Competition.

Waste Pro Driver Safety

The Board of Mayor and Aldermen recognized Mr. Reginald Simmons, whose recycling route includes Germantown. Upon achievement of the Waste Pro Driver Safety goal, he was presented a check for \$10,000.00 by Waste Pro management.

Alderman Liaison Reports

The Aldermen reported on their commission activities.

Citizens to be Heard

The following citizens came forward to express their opposition to the rezoning of the Reaves-Schaeffer property.

Brian Curry, 9321 Hollow Creek Cove
Danielle Taylor, 3349 Forest Hill Irene Road
Alan Taylor, 3349 Forest Hill Irene Road
Kevin Speed, 9181 Forest Downs
Brandon Welford, 3366 Hollow Creek Road
Jan Kissling, 9229 Forest Hill Way
Lillian Rinker, 9150 Forest Hill Way
Penelope Pepin, 3569 Crestwyn Drive
Ted Pepin, 3569 Crestwyn Drive
Ola Adeleye, 8960 Hollybrook Lane N.
Phil Conner, 3664 Crestwyn
Sharon Miller, 8985 Hollybrook Lane S.
Stephen Radtke, 9027 Hollybrook Lane S.
Frank Booker, 9030 Bridgeforest Drive
Michael Doyle, 9145 Forest Downs Road
John Benton, Shady Grove Terrace, Memphis, 38120

BEER BOARD – Public Hearing - Temporary Beer Permit – On Premise - Germantown Festival

The Germantown Festival Committee requested approval of a temporary beer sales permit for the Germantown Festival, to be held on Saturday, September 8 and Sunday, September 9, 2018.

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

Motion by Ms. Gibson, seconded by Mr. Janda, to approve a temporary beer permit allowing the sale of beer on publicly owned property at the annual Germantown Festival to be held at the Germantown Civic Club Complex, on Saturday, September 8, from 9:30 a.m. to 6 p.m. and on Sunday, September 9, from noon to 6 p.m.

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

CONSENT

Appointments – Germantown Education Foundation

The Germantown Education Foundation (GEF) presently has nine board members. Per the Foundation bylaws, the board may have up to 15 members. GEF appointments must be approved by the Germantown Board of Mayor and Aldermen.

MOTION: To approve the appointment of Ralph Gabb and Adrienne Price to the Germantown Education Foundation.

Contract Extension – Collection Agency Services

In February of 2015, the City and Automated Collection Services, Inc (ACSI) entered into a three-year contract with the option of two additional, one-year extensions at the City's discretion, for a maximum of five years. For the past three years, the City has utilized the services of ACSI to collect outstanding receivables owed to the City for Ambulance Transportation Services, Utility Services, Court Services and Non-Sufficient Fund Checks.

MOTION: To extend existing contract with Automated Collection Services, Inc (ACSI) for collection services of outstanding receivables for an additional period of twelve (12) months at the City's option.

Contract – Public Safety Radio System Maintenance and Hardware/Software Upgrade

The original 4-year radio system maintenance agreement is concluding and is in need of renewal for continued support. In addition to the maintenance agreement, a system software and hardware upgrade is needed to keep the system at the latest release. A Public Radio Task Force, comprised of a cross functional team of staff from Police, Fire, Public Services, Finance and General Services, was created to work with the consultant to determine the most economical, efficient and state-of-the-art method for the City's radio communications system.

MOTION: To authorize a 4-year maintenance agreement and hardware/software upgrade with Motorola Solutions in the amount of \$365,620.00, approve Budget Adjustment No. 18-54, and declare the replaced equipment as surplus.

Contract - TDEC Education and Outreach Grant

The State of Tennessee established a set of eight objectives within the 2015-2025 Solid Waste and Materials Management Plan. Objective 6 of this plan calls for a focus on education and outreach about proper recycling and materials management to citizens. The State established a grant program and the City applied in the fall of last year. The grant will be used to help produce material needed to consistently promote waste reduction and recycling best practices. The City's grant application included an expenditure of \$38,608.00 for a recycling education campaign. The City, under the terms of the grant, would be reimbursed at a later date \$19,304.00 with the 50% grant match.

MOTION: To authorize the Mayor to enter into a contract with the State of Tennessee, Department of Environment and Conservation for receipt of an education and outreach grant. Also, to authorize the use of the competitive sealed proposal process for the solicitation of the marketing firm and approve Budget Adjustment No. 18-67.

Construction Contract – Bob Hailey Park Culvert Replacement

Bob Hailey Park is a 100 plus acre-park located at 8750 Farmington Boulevard. The Park contains four (4)

lighted baseball fields, three (3) lighted football/soccer fields, a batting cage, concession buildings, scoreboards, restrooms and water fountains. This park has been a staple in Germantown for several years, with a natural bridge splitting the baseball fields with the adjacent Cameron Brown Park. Where the existing natural bridge is located, there is an earthen channel that is fed by the drainage discharging from Greenfields and Dogwood Trails subdivisions. Bob Hailey Park storm water is collected by a series of yard drains that flows westward from the concession stands to the earthen ditch. The last segment of the existing corrugated plastic pipe has collapsed and failed.

MOTION: To authorize the Mayor to enter into a contract with Delgado General Corporation in the amount of \$23,408.00 for construction of the Bob Hailey Park Culvert Replacement Project and approve Budget Adjustment No. 18-62.

Construction Contract – Germantown City Hall Computer Room HVAC Improvements

The computer room was initially built for data processing. Over the years, this room became the dedicated space for all primary network servers. The HVAC for the room was not designed to accommodate server equipment. Auxiliary cooling units were added but are not sufficient when the chiller is off for maintenance.

MOTION: To approve a construction contract with Damon Marcus Company, in the amount of \$56,500.00 for the installation of HVAC equipment in the main computer room.

Construction Contract – Germantown Parks & Recreation Building HVAC Replacements

The existing HVAC equipment was installed during renovation construction in 2001 for the Parks and Recreation Administration building. Prior to 2001 renovation construction, the building was divided into three business units: Fire Station 1, Medic Quarters and YWCA. There are seven split-systems that serve this building and these systems have deteriorated due to normal use. Staff has been able to keep the systems in service but the efficiency and indoor air quality has decreased. The HVAC replacements will also allow staff to make floor decking replacements in the mechanical rooms as a result of deteriorated HVAC evaporator pans.

MOTION: To approve a construction contract with Metro Mechanical Contractors, Inc. in the amount of \$88,391.00 and Budget Adjustment No. 18-57 for the replacement of all existing HVAC equipment and the installation of addition HVAC equipment to serve two office spaces located within the Parks and Recreation building auditorium room.

Donation – Germantown Education Commission

The purpose of this agenda item is to recognize donations totaling \$4,600.00 from IBERIA Bank, English Meadows, Landsdowne and Neshoba North homeowners associations. The funds will help cover expenses incurred during the Battle of the Brains competition.

MOTION: To recognize donations to the Germantown Education Commission totaling \$4,600.00 and approve Budget Adjustment No. 18-55.

Donations – Parks and Recreation

Janice Jensen contacted the Parks and Recreation Department recently inquiring about the purchase of a tree to be planted in the memory of Tommy Brown.

Parks and Recreation held the S'mores and Snores Family Camp Out and Outdoor Movie at the Farm Park. The event was sponsored by Dick's Sporting Goods who provided on-site support staff with games and activities and a donation that will be applied to the overall event budget.

A Fancy Little Flea Market was held at the Farm Park on February 3rd and was hosted by me & Mrs. Jones. The donation will be applied towards the marketing budget for the Farm Park which includes funds for publicity, advertising, promotions and special marketing initiatives.

MOTION: To recognize the donations made to the Parks and Recreation Department totaling \$1,650.00 and to approve Budget Adjustment No. 18-63.

Purchase – Theatrical Lighting

GPAC's inventory of theatrical lighting fixtures includes obsolete and nonfunctional units. Parts can no longer be purchased for both the obsolete and nonfunctional units. It is necessary to purchase new, industry-standard fixtures which will use lower wattage lamps.

MOTION: To approve the purchase of theatrical lighting from Graybar in the amount of \$12,046.92 and to approve Budget Adjustment No. 18-53.

Resolution 18R08 - TML Pool Driver Safety Matching Grant Program

The TML Risk Management Pool is offering a "Driver Safety" Matching Grant Program to provide 50% of the cost for driver safety training provided to employees who drive City vehicles and 100% of the cost of the motor vehicle driver checks for employees who reside in Tennessee. Germantown is eligible to receive reimbursement up to the maximum amount of \$2,400 from the limited grant funds available. The grant applies to training performed and/or equipment purchased in fiscal year 2018 and must be submitted with a resolution approved by the Board of Mayor and Aldermen, along with cost estimates for the qualified driver safety training and motor vehicle driver checks.

MOTION: To approve Resolution 18R08, authorizing the City to participate in the TML "Driver Safety" Matching Grant Program for FY18.

Services Contract – Cameron Brown and Cone Park Trail Repair

The FY18 Public Works IRP Budget provides the funding for overlaying existing greenway and walking trails. These trails have deteriorated due to age, foot traffic and tree root damage. This project is part of our annual preventative maintenance for existing trails.

MOTION: To contract with Gibson Paving, Inc. for overlaying 3,320 linear feet of asphalt trail in the amount of \$46,810.00.

Tenant-Owned Improvement Agreement - Tract 16 - Germantown Road/Wolf River Boulevard Intersection Improvement Project

The BMA approved the ROW Acquisition of Tract 16 at their November 27, 2017 meeting. The purchase price was \$66,370.00 and the owner was Blue Chip Investments. This tract involves a tenant-owned ground mounted sign that the owner was not entitled for compensation. The tenant, Office Depot, owns a sign near Germantown Road that must be relocated due to the roadway improvement project.

MOTION: To approve the Tenant-Owned Improvement Agreement with Office Depot, Inc. for the total lump sum amount of \$16,998.00 for relocation of a ground mounted sign and authorize the disbursement of this amount to the owner.

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

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

REGULAR

Public Hearing - Resolution 18R06 - Amendment to the Outline Plan for Campbell Clinic Expansion Planned Development

This amendment is for a second exception to the required parking for this project to reduce the number of parking spaces from 861 to 736. The applicant will be required to re-record the outline plan to reflect this change prior to any new phases of development moving forward for development agreement approval.

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

Mike Davis, of the Reaves Firm, located at 6800 Poplar Avenue, came forward to support the project. The Reaves Firm is the civil engineer and landscape architect on the project.

Mayor Palazzolo closed the public hearing.

Motion by Mr. Owens, seconded by Ms. Gibson, to approve Resolution 18R06, an Amendment to the Outline Plan for the Campbell Clinic Planned Development.

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

Ordinance No. 2018-6 – Amendments to Modify the Term of Design Review Commission – First Reading

This amendment to the ordinance is to change the length of the term and stagger the terms of Design Review Commission members. This is an effort to address concerns about stability among the commission members and to ensure that there are sufficient members on the commission each year with experience in hearing and deliberating on applications presented to the Design Review Commission.

Motion by Mr. Owens, seconded by Mr. Barzizza, approve on first reading Ordinance 2018-6, amendment to modify Section 2-169 of the Germantown Municipal Code to change the length of the term of Design Review Commission members and set the second reading and public hearing for May 14, 2018.

ROLL CALL: Barzizza-yes, Gibson-yes, Massey-yes, 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 – Third and Final Reading - DEFERRED

The Administration requested that this item be deferred, until the April 9, 2018 meeting of the Board, to allow the City time to review documents that came to the City's attention earlier in the day.

Meeting adjourned.

Mike Palazzolo, Mayor

Michele Betty, City Clerk/Recorder