

## **BOARD OF MAYOR AND ALDERMEN**

March 12, 2018

The regular meeting of the Board of Mayor and Aldermen was held on Monday, March 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, Paul Chandler, Reynold Douglas, Tony Fischer, Tim Gwaltney, Richard Hall, Jason Huisman, Attorney Josh Lawhead, Patrick Lawton, Bo Mills, Lisa Piefer, Phil Rogers, Cameron Ross, Emily Rozar, John Selberg and Steve Wilensky.

### **Call To Order**

The Mayor called the meeting to order.

### **Invocation**

Reynold Douglas led the invocation.

### **Pledge of Allegiance**

The Pledge of Allegiance was led by Alderman Owens.

### **Set Agenda**

There were no changes to the agenda.

Motion by Ms. Gibson, seconded by Mr. Barzizza, to approve the agenda.

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

### **Approval of February 26, 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 February 26, 2018.

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

### **Special Recognition - REACH Three Star Recognition (PB)**

The Parks and Recreation Department manages a before and after school program called REACH, which operates out of the three Germantown Municipal School District (GMSD) elementary schools. The program is managed by City staff member, Ms. Sarah Blackwell. This partnership with GMSD was developed in an effort to offer Germantown area families and children a unique and exciting before/after school experience built upon recreation, education, art, community and health. In 2016, all three sites were licensed by the Department of Human Services to ensure safety standards and quality care for all participants. In December 2017, all three sites received the Three Star-Quality rating from the Quality Assessment Review process. This is the highest rating than can be achieved by any licensed program and only awarded to those programs going above and beyond in its overall service delivery.

### **Alderman Liaison Reports**

The Aldermen reported on their commission activities.

### **Citizens to be Heard**

Don Lossing, 1475 Cordova Road, asked Mayor Palazzolo and Vice Mayor Gibson to remember their

proposal in January to revert the Owens Triangle back to single family residential zoning.

Michael Zurkammer, 2118 Hundred Oaks Cove, expressed his concern regarding a dead tree and overgrown brush on school property on the south side of Farmington Elementary School.

### **CONSENT**

#### **Agreement - Facility Rental for Germantown Swim Team (PR)**

The Germantown Athletic Club (GAC) and Germantown Swim Team 501(c)(3) have long had an unwritten partnership to run a competitive swim program. With the retirement of the long-tenured, City-employed Head Swim Coach, the opportunity arose to look at what changes, if any, needed to be made to maintain and build an even more successful competitive swim team. It was determined that the best course of action was for the GST to take full ownership of all operational aspects of the program while renting space from the GAC.

MOTION: To adopt the Facility Usage Agreement between the Germantown Athletic Club and the Germantown Swim Team (GST) 501(c)(3) for the use of pool lanes and facility to operate a competitive swim team and swim meets for the term of three (3) years.

#### **Appointment of Assistant City Prosecutor**

The recommendation to appoint Mr. James Robert Clapper to serve as Assistant City Prosecuting Attorney was made by the City Attorney to fill the vacancy created by the resignation of Mark McDaniel. The role of the Assistant Prosecuting Attorney is to provide for efficient and effective implementation of our judicial department and City Court. Mr. Clapper has interviewed with our Senior Prosecutor, Mr. Matt Price, and our City Attorney, Mr. David Harris. Both individuals are highly supportive of Mr. Clapper based on his education and legal experience and recommend his appointment by the Board.

MOTION: To approve the appointment of James Robert Clapper to serve as Assistant City Prosecuting Attorney through January 31, 2019.

#### **Construction Contract – Sidewalk Installation – Wolf River Boulevard**

The Bicycle/Pedestrian/Walkability (BPW) Task Force was formed by the Mayor in calendar year 2017 to provide in-depth study of the City's existing bike/pedestrian infrastructure to determine opportunities for improvement related to safety and connectivity. One of the recommendations was the installation of sidewalk along the north side of Wolf River Blvd from Riverdale Road to the trail head entrance just east of the Texas Gas facility.

MOTION: To approve a construction contract with A & B Construction Company in the amount of \$36,987.00 for the installation of sidewalks along the north side of Wolf River Blvd. from Riverdale Road to the entrance to Wolf River Natural Area.

#### **Lease Agreement - Germantown Community Theatre**

The Germantown Community Theatre (GCT) has been considered a partner with the City in providing cultural arts and enrichment programs for the community at large utilizing the building on Forest-Hill Irene Road since 1991. The organization has demonstrated a commitment to reinvesting and making improvements to the facility as needed and as resources/funding have been available.

MOTION: To authorize the Mayor to execute a lease agreement between the City of Germantown and the Germantown Community Theatre for the use of the facility and property at 3037 Forest-Hill Irene Road.

#### **Purchase – Annual Computer Upgrades**

This project will replace approximately 25% of the oldest computers and continue the City's 4-year cycle to keep operating systems and hardware current. Older computers are not capable of efficiently processing newer applications and are effectively obsolete. Energy consumption per computer will be cut in half compared to older computers.

MOTION: To approve the purchase of replacement computers in the amount of \$82,523.67 from CDW Government, approve Budget Adjustment No. 18-48, and declare the replaced computers as surplus.

**Purchase – Portable Radio Repeater**

This project will provide funding to purchase a portable radio repeater that will be used to augment radio system coverage for public safety personnel during emergencies and public events. Recent events around the nation have resulted in the reassessment of policies, procedures and equipment used by public safety personnel. The purchase of a portable radio repeater will provide City public safety personnel additional radio system coverage during emergencies and at numerous public events.

MOTION: To approve the purchase of a portable radio repeater in the amount of \$13,129.00 from COMSERV Wireless and approve Budget Adjustment No.18-47.

**Purchase - Firefighter Turnout Gear**

Turnout gear is the personal protective clothing that fire fighters wear while fighting fires. A set of turnout coat and pants has a life expectancy of approximately 6-7 years. The department replaces approximately 1/6 of the gear each fiscal year. The Fire Department is currently replacing turnout coats and pants purchased in 2011 and before.

MOTION: To approve the purchase of Fire Department Turnout Gear from North American Fire Equipment Company (NAFECO) through HGAC-Buy cooperative contract EE08-17 in the total amount of \$ 33,542.08.

**Professional Services Supplement No. 1 – GPAC Grove**

It has been determined that a fire truck and delivery truck turnaround needs to be designed and constructed behind the GPAC, Germantown Athletic Club and The Great Hall & Conference Center. This will require an expansion of an area of the west parking lot behind GPAC and the Germantown Athletic Club. The purpose of this agenda item is to consider approval of Supplement No. 1 in the amount of \$13,747.00 to the Professional Services Agreement for design services and preparation of construction documents for a fire truck turnaround. Similar to the original arrangement between GPAC and the City, GPAC will participate in half of the design expense by contributing \$6,873.50.

MOTION: To approve Supplement No. 1 in the amount of \$13,747.00 to the Professional Services Agreement with Archimania for the fire truck turnaround design services increasing the contract amount from \$282,394.00 to \$296,141.00, to accept \$6,873.00 from the GPAC Board of Directors and to approve Budget Adjustment 18-49.

**Wireless Transmission Facility Modification - Verizon Equipment Upgrade (7624 Poplar Pike - Water Tower Complex)**

The applicant is requesting approval to replace three existing antennas and associated equipment on an existing tower that is currently owned and operated by Crown Castle. There will be no changes to the ground and compound space. 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 to 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 (8151 Poplar Ave. - Our Lady of Perpetual Help Catholic Church)**

The applicant is requesting approval to add three antennas and associated equipment to an existing, camouflaged array on an existing tower that is currently owned and operated by Crown Castle. There will be no changes to the ground compound space. 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 three new antennas and associated equipment on an existing tower for Verizon Wireless on the existing Wireless Transmission Facility located at Our Lady of Perpetual Help Catholic Church at 8151 Poplar Ave.

Motion by Mr. Janda, seconded by Mr. Barzizza, to approve the items on the consent agenda as written.

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

### **REGULAR**

#### **Right-of-Way Acquisition - Tract 13 - Germantown Road/Wolf River Boulevard Intersection Improvement Project**

In order to meet the City and the State's goals of a safer, more efficient intersection, widening to accommodate additional laneage is required. The fair market value of the property to be acquired was determined to be \$163,611.00. An offer in this amount was made to the property owner, Mac's Convenience Stores, L.L.C., by third party negotiator Mr. Andrew F. Miller of Stanfield Consultants. The property owner accepted this offer.

Motion by Mr. Barzizza, seconded by Mr. Janda, to approve the right-of-way acquisition of real estate from Mac's Convenience Stores, L.L.C. for the total lump sum amount of \$163,611.00 for a portion of Tract 13 and authorize the disbursement of the purchase price to the seller.

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 – Second Reading and Public Hearing**

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.

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

The following went before the Board expressing their opposition to planned unit housing and dense neighborhood development.

Brian Curry, 9321 Hollow Creek Cove  
Kevin Speed, 9181 Forest Downs Road  
Brandon Wellford, 3366 Hollow Creek Road  
Alan Taylor, 3349 Forest Hill  
Mike Bruns, 9279 Forest Downs Road  
Radwan Haykal, 9065 Forest Drive  
Suzanne Haykal, 9065 Bridge Forest Drive

Lisa Parker, 1761 Leeds Cove, expressed her support of the rezoning.

Mayor Palazzolo closed the public hearing.

Motion by Mr. Janda, seconded by Mr. Owens, to approve on second 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.

Motion by Ms. Gibson, seconded by Mr. Owens, to call the question.

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

ROLL CALL: On original Motion by Mr. Janda, seconded by Mr. Owens, to approve on second 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.

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

Meeting adjourned.

---

Mike Palazzolo, Mayor

---

Michele Betty, City Clerk/Recorder