

## **BOARD OF MAYOR AND ALDERMEN**

July 9, 2018

The regular meeting of the Board of Mayor and Aldermen was held on Monday, July 9, 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, Ralph Gabb, David Goodman, Tim Gwaltney, Richard Hall, Jason Huisman, Patrick Lawton, Bo Mills, Daniel Page, Cameron Ross, John Selberg and Steve Wilensky.

Germantown Municipal School District Staff: Superintendent Jason Manuel.

### **Call To Order**

The Mayor called the meeting to order.

### **Invocation**

Pam Beasley gave the invocation.

### **Pledge of Allegiance**

Alderman Barzizza led the Pledge of Allegiance.

### **Set Agenda**

During the Executive Session, the Board unanimously agreed to move to the Consent Agenda: #16 TDOT Agreement – Americans with Disabilities Act Transition Plan.

Motion by Ms. Gibson, seconded by Mr. Janda, to approve the July 9, 2018 agenda as amended.

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

### **Approval of June 25, 2018 Minutes**

Motion by Mr. Massey, seconded by Mr. Barzizza, to amend the minutes to include three articles that reported the Thornwood development would be constructed as condominiums and also include the June 20 Commercial Appeal article that Mayor Palazzolo referenced during the discussion of the administration's Thornwood presentation.

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

Motion by Mr. Janda, seconded by Ms. Gibson, to approve the minutes of the Board of Mayor and Aldermen Meeting held June 25, 2018, as written.

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

### **Special Recognition**

#### **Mustang Rugby Club – Girls High School Team 3<sup>rd</sup> Place State Champions**

The Mustang Rugby Club had three teams compete for a state title in Murfreesboro in May. The high school girls' team earned a third place title at the state level. Senior Ashley Ward has signed with Life University, home to the second largest female rugby program in the country, to continue her rugby career at the collegiate level.

#### **Mustang Rugby Club - Boys High School Team State Champions**

The Mustang Rugby Club had three teams compete for a state title in Murfreesboro in May. The high

school boys' team qualified for the state championship for the first time this year. They took on and defeated the Harpeth Harlequins to win the 2018 High School State Rugby Championship by a final score of 24 to 20.

#### **Mustang Rugby Club – Boys Middle School Team State Runner-Up**

The Mustang Rugby Club had three teams compete for a state title in Murfreesboro in May. The middle school boys team has qualified for the state championship for seven consecutive years. The team claimed a 2<sup>nd</sup> place title in this year's state championship game.

#### **Houston High School Track and Field Athletes – State Champions**

The boys' team placed 2nd overall in the Sectional Championship. The victory earned the team a spot to compete for the state title. At the State Championship, the Houston Mustangs earned a 4th place overall finish. There are four boys on the team to be recognized this evening: including seniors Charles Parker, Keaton Jones, Colin Jones and Junior Bradley Turner; who won the state championship in the 4x800 relay at 7 minutes and 54 seconds.

#### **Houston Lacrosse Club – Boys Varsity Team State Champions**

The Houston Boys Varsity Lacrosse team wrapped up their most prolific season in the history of the program, compiling a 19-4 record, scoring 256 goals on the season and allowing opponents 146 goals. On May 19, the team had a 16 to 11 victory over Brentwood High School to win the Public School Division 1 Tennessee Scholastic Lacrosse Association State Championship. Houston entered the state tournament as the number two seed and earned a spot in the state championship game with play-off victories over Farragut High School and Franklin High School.

#### **Alderman Liaison Reports**

The Aldermen reported on their commission activities.

#### **Citizens to be Heard**

Mr. Jim Jacobs, 7684 Apple Valley Road, came forward to ask the Board to attend the Planning Commission meeting to be held July 10 regarding removal of the T4 zoning overlay of "Cordova Triangle."

#### **CONSENT**

##### **Conservation Easement – Charles Van Pelt**

Forgey Park includes an off-leash dog area and parking lot. Mr. Van Pelt, whose property backs up to that parking lot, believed that the parking lot was slightly encroaching on his property. Staff researched this matter and concluded that Mr. Van Pelt is correct. To correct this matter, the Van Pelt's have agreed to offer a permanent conservation easement on the southeast corner of Forgey Park to the City in the amount of \$500. This action is in keeping with the other properties backing up to the park. The City has also agreed to extend the existing privet hedge along the Van Pelt's property line for their privacy.

MOTION: To authorize the Mayor to enter into a permanent conservation easement agreement with property owners Charles and Rose Van Pelt, who live at 7132 Wooldridge Lane in Germantown for the Forgey Park project, and to approve Budget Adjustment No. 19-02.

##### **Right-of-Way Acquisition – Tract 1 – Forest Hill-Irene Road Improvements**

Staff's initial meeting with the owners, the Skoutakis, took place on May 25, 2018 to discuss the roadway improvements project and its impacts to Tract 1. Tract 1 (3676 Forest Hill-Irene Road) is located on the northeast corner of Forest Hill-Irene and consists of a single family home situated on 9.26 acres. Staff extended an offer of \$5,700.00, subject to Board approval. The Skoutakis' accepted the offer.

MOTION: To approve the acquisition of real estate and/or easements from Vasilios and Eleni Skoutakis for the total lump sum amount of \$5,700.00 for Tract 1 in accordance with the terms of the Purchase Agreement and authorize the disbursement of the purchase price to the seller and of other sums required of the City under the Purchase Agreement or otherwise to effectuate the purposes of the Purchase Agreement.

**Right-of-Way Acquisition – Tract 2 – Forest Hill-Irene Road Improvements**

Staff's initial meeting with the owners, Mrs. Lauren Culpepper and Mrs. Leigh Cromwell (Trustees of Cheatham Family LP), took place on February 20, 2018 to discuss the roadway improvements project and its impacts to Tract 2. Tract 2 (3634 Forest Hill-Irene Road) is located on the east side of Forest Hill-Irene Road, approximately 700 feet north of Winchester, and consists of a single family home situated on 18.05 acres. Staff extended an offer of \$25,800.00, subject to Board approval. Mrs. Cromwell and Mrs. Culpepper accepted the offer.

MOTION: To approve the acquisition of real estate and/or easements from Cheatham Family Limited Partnership for the total lump sum amount of \$25,800.00 for Tract 2 in accordance with the terms of the Purchase Agreement and authorize the disbursement of the purchase price to the seller and of other sums required of the City under the Purchase Agreement or otherwise to effectuate the purposes of the Purchase Agreement.

**Right-of-Way Acquisition – Tract 3 – Forest Hill-Irene Road Improvements**

Staff's initial meeting with the owner's representative, Mrs. Leigh Cromwell (Trustee of Adrienne F. Cheatham Family Trust), took place on February 20, 2018 to discuss the roadway improvements project and its impacts to Tract 3. Tract 3, also known as 3620 Forest Hill-Irene Road, is located on the east side of Forest Hill-Irene, approximately 1,100 feet north of Winchester, and consists of a single family home situated on 2.51 acres. Staff extended an offer in the amount of \$3,600.00, subject to Board approval. Mrs. Leigh Cromwell, the owner's representative, accepted the offer.

MOTION: To approve the acquisition of real estate and/or easements from the Adrienne F. Cheatham Family Trust for the total lump sum amount of \$3,600.00 for Tract 3 in accordance with the terms of the Purchase Agreement and authorize the disbursement of the purchase price to the seller and of other sums required of the City under the Purchase Agreement or otherwise to effectuate the purposes of the Purchase Agreement.

**Right-of-Way Acquisition – Tract 16 – Forest Hill-Irene Road Improvements**

Staff's initial meeting with the owners, Mrs. Linda S. Bobo and Mr. Robert T. Bobo, took place on March 8, 2018 to discuss the roadway improvements project and its impacts to Tract 16. Tract 16 (3483 Forest Hill-Irene Road) is located on the west side of Forest Hill-Irene Road, approximately 400 feet north of Bridge Forest, and consists of a single family home situated on 6.78 acres. Staff extended an offer in the amount of \$10,800.00, subject to Board approval. The Bobo's accepted the offer.

MOTION: To approve the acquisition of real estate and/or easements from Mrs. Linda S. and Mr. Robert T. Bobo for the total lump sum amount of \$10,800.00 for Tract 16 in accordance with the terms of the Purchase Agreement and authorize the disbursement of the purchase price to the seller and of other sums required of the City under the Purchase Agreement or otherwise to effectuate the purposes of the Purchase Agreement.

**Right-of-Way Acquisition – Tract 28 – Forest Hill-Irene Road Improvements**

Staff's initial meeting with the owners, Mrs. Daniele and Mr. Alan Taylor, took place on March 1, 2018 to discuss the roadway improvements project and its impacts to Tract 28. Tract 28 (3349 Forest Hill-Irene Road) is located on the west side of Forest Hill-Irene, approximately 370 feet north of Forestbrook Drive, and consists of a single family home situated on 1.21 acres. Staff extended an offer in the amount of \$11,500.00, subject to Board approval. The Taylor's accepted the offer.

MOTION: To approve the acquisition of real estate and/or easements from Mrs. Danielle and Mr. Alan C. Taylor for the total lump sum amount of \$11,500.00 for Tract 28 in accordance with the terms of the Purchase Agreement and authorize the disbursement of the purchase price to the seller and of other sums required of the City under the Purchase Agreement or otherwise to effectuate the purposes of the Purchase Agreement.

**Wireless Transmission Facility Modification - 1340 Miller Farms Road - MLGW Transmission Tower**

Though this wireless transmission facility (WTF) was approved by the City as a development contract in 1997, there is not a current lease agreement between the City and AT&T that allows for the maintenance, updating or replacement of equipment as may be needed on the existing tower structure. There is a lease agreement between the apartments adjacent to this site and Bell South Mobility. AT&T has permission from MLGW to have and operate this WTF within the MLGW transmission tower. Staff has been in contact with AT&T and they have agreed to secure a new lease agreement with the City as the current property owner.

MOTION: To approve the request allowing an upgrade to three existing antennas and associated ground equipment for AT&T Wireless on an existing wireless transmission facility located at 1340 Miller Farms Road (MLGW transmission tower), subject to the conditions recommended by staff.

**Supplement 1 – Safe Routes to School – Phase II CEI Services**

In January of 2018, the City entered into a Professional Services Agreement with the Pickering Firm for design and preparation of construction documents for the SRTS project. At that time, staff informed the Board that a scope and fee proposal for Construction Engineering and Inspection (CEI) services would be brought to the BMA at a later date. The design work for the project is now complete with a solicitation of bids for the construction phase issued and publically advertised on June 22<sup>nd</sup>, with bids due later in July. Staff anticipates returning to the board in August with a construction contract. Supplement 1 is to add \$45,000.00 to cover Pickering’s CEI scope and fee as required for reimbursable TDOT and federal projects.

MOTION: To approve Supplement 1 in the amount of \$45,000.00 for Construction Engineering and Inspection Services related to a Safe Routes to School project in the Riverdale School area, increasing the existing Professional Services Agreement with the Pickering Firm, Inc. from \$33,884.76 to \$78,884.76.

**TDOT Agreement – Americans with Disabilities Act Transition Plan**

All governmental agencies that receive federal and/or state funds for transportation improvements projects are required to have an American with Disabilities Act (ADA) Transition Plan. In 2017, the state announced that they were making funding available through the Transportation Alternatives Program (TAP) to municipalities that wanted to pursue a comprehensive ADA Transition Plan. The City applied for and received a TAP Grant in the amount of \$175,000.00. TAP funded projects are 80% federal/20% local responsibility. In order to proceed with this project, a fully executed agreement is required. After the agreement is complete, City staff issue a solicitation for these professional services.

MOTION: To authorize approval of a TDOT Local Agency Project Agreement in the amount of \$175,000.00 to develop a City of Germantown American with Disabilities Act (ADA) Transition Plan.

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

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

**REGULAR**

**Ordinance 2018-7 - Public Arts Commission – First Reading**

This ordinance establishes a Public Arts Commission whose purpose is to enhance the city’s environment and public spaces through the strategic placement and promotion of public art throughout the city.

Motion by Ms. Gibson, seconded by Mr. Janda, to approve on first reading Ordinance 2018-7, establishing a Public Arts Commission, and set the second reading and public hearing for August 13, 2018.

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

**Ordinance 2018-8 - Bicycle and Pedestrian Commission – First Reading**

This ordinance establishes a Bicycle and Pedestrian Commission whose purpose is to promote bicycling and walking as a viable means of transportation, to provide input on public bicycle and pedestrian infrastructure projects, and to advance the city’s overall commitment to greenways, trails, and connectivity.

Motion by Mr. Owens, seconded by Mr. Barzizza, to approve on first reading Ordinance 2018-8, establishing a Bicycle and Pedestrian Commission, and set the second reading and public hearing for August 13, 2018.

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

**Ordinance 2018-9 – Technology Commission – First Reading**

This ordinance establishes a Technology Commission whose purpose is to enable the city to meet the rapid pace of technological change in society by planning and investing in information and communication technologies. The motion is an amendment replacing the Telecommunications Commission with the Technology Commission.

Motion by Mr. Barzizza, seconded by Ms. Gibson, to approve on first reading Ordinance 2018-9, amending Sec. 2-276 through Sec. 2-278 and adding Sec. 2-279, thereby replacing the Telecommunications Commission with the Technology Commission, and to set the second reading and public hearing for August 13, 2018.

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

**Resolution 18R16 – Authorizing Resolution for General Obligation Capital Outlay Notes, Series 2018**

The City utilizes proceeds from selling long-term debt to finance capital improvement projects that add to or replace the public infrastructure. Included in the City’s Capital Improvements Program is an anticipated general obligation capital outlay note to support the financing of a capital expenditure. This General Obligation Capital Outlay note is to be used to construct the Germantown Municipal School District Administrative Building.

Motion by Ms. Gibson, seconded by Mr. Janda, to approve Resolution No. 18R16 authorizing the execution, terms, issuance, sale and payment of not to exceed \$3,300,000.00 General Obligation Capital Outlay Notes, Series 2018 of the City of Germantown, Tennessee, and providing the details thereof, pursuant to state law under Title 9, Chapter 21, Tennessee Code Annotated.

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

**Project Development Contract No. 1224 and Final Plan Approval - Campbell Clinic Expansion Planned Development**

This project will allow the construction of a medical office building and associated parking. On March 26, 2018, the Board of Mayor and Aldermen (BMA) approved Resolution 18R06 – Amendment to the Outline Plan of the Campbell Clinic Expansion Planned Development. Contract No. 1224 is a standard Project Development Contract. The current request is to approve a Project Development Contract and Final Plan to allow construction of a 4-story, 120,000 sq. ft. medical office building with additional parking provided along the front on Wolf River Blvd. in conformance with the master expansion plan approved by the Planning Commission and BMA in 2014.

Motion by Ms. Gibson, seconded by Mr. Barzizza, to approve Project Development Contract 1224 and Final Plan for Campbell Clinic Expansion Planned Development.

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

### **Approval of Warrants -The Grove at GPAC**

The property is within the "T5" Urban Center zoning district. Warrants are deviations from the requirements of the Smart Growth districts and must be approved by both the Planning Commission and the Board of Mayor and Aldermen. The property was rezoned from the "R" Single-Family Residential zoning district to the "T5" Urban Center zoning district as part of the Germantown Smart Growth Plan in 2007. This site was originally developed as the Germantown Performing Arts Center (GPAC) in 1989 and opened in 1994. GPAC is now seeking approval of a revised preliminary and final site plan to add an outdoor entertainment venue that will meet their goals and needs for this site.

Motion by Mr. Owens, seconded by Ms. Gibson, to approve a Warrant from Sec. 23-758 to allow civic space within an area not designated on the regulating plan.

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

Motion by Mr. Barzizza, seconded by Mr. Owens, to approve a Warrant from Sec. 23-792 to allow the existing parking for GPAC to remain as is and to be used for the new outdoor performing arts venue.

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

Motion by Mr. Owens, seconded by Ms. Gibson, to approve a Warrant from Sec. 6-102 to allow an architectural screen up to 10' in height, in accordance with the approved details provided on the revised final site plan.

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

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

### **BEER BOARD**

#### **Mellow Mushroom**

On February 21, 2018, the Shelby County Sheriff's Office conducted an undercover sting investigation of beer permit holders in Shelby County. On that date, a 19-year-old Cooperating Individual, working with the Sheriff's Office, was served beer by the defendant.

Motion by Mr. Owens, seconded by Ms. Gibson, to find Mellow Mushroom, located at 9155 Poplar Avenue, Suite 26, 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 Mr. Owens, for defendant to pay a civil penalty of \$500.00 in lieu of suspension or loss of licensure.

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

#### **Exline's Pizza**

On May 14, 2018, the Germantown Police Department conducted an undercover sting investigation of beer permit holders in Germantown. On that date, an 18-year-old Cooperating Individual, working with the Germantown Police Department, was served beer by the defendant.

Motion by Mr. Barzizza, seconded by Mr. Janda, to find Exline's Pizza, located at 7730 Wolf River Boulevard, Suite 114, 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 Mr. Owens, for defendant to pay a civil penalty of \$500.00 in lieu of suspension or loss of licensure.

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

Mr. Barzizza is friends with the owner of Royal Panda and left the dais.

**Royal Panda**

On May 14, 2018, the Germantown Police Department conducted an undercover sting investigation of beer permit holders in Germantown. On that date, an 18-year-old Cooperating Individual, working with the Germantown Police Department, was served beer by the defendant.

Motion by Mr. Owens, seconded by Mr. Janda, to find Royal Panda, located at 3120 Village Shops, Suite 23, guilty of a violation of the Germantown Beer Ordinance regarding selling beer to a minor.

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

Motion by Mr. Janda, seconded by Mr. Massey, for defendant to pay a civil penalty of \$500.00 in lieu of suspension or loss of licensure.

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

Meeting adjourned.

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Mike Palazzolo, Mayor

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Michele Betty, City Clerk/Recorder