

BOARD OF MAYOR AND ALDERMEN

August 27, 2018

The regular meeting of the Board of Mayor and Aldermen was held on Monday, August 27, 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 and Rocky Janda. Staff present: Pam Beasley, Michele Betty, Paul Chandler, Reynold Douglas, Tony Fischer, Ralph Gabb, Tim Gwaltney, Richard Hall, David Harris, Jason Huisman, Patrick Lawton, Mac McCarroll, Daniel Page, Lisa Piefer, Phil Rogers, Cameron Ross, Emily Rozar, Andy Sanders, John Selberg and Steve Wilensky.

Alderman Forrest Owens was not yet present.

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 – Bid rejection – Safe Routes to School and move to the regular agenda item #9g – Professional Services Agreement – Supplement No. 3 – Forest Hill-Irene Road Improvements.

Motion by Ms. Gibson, seconded by Mr. Janda, to approve the August 27, 2018 agenda as amended.

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

Approval of August 13, 2018 Minutes

There were no corrections made to the August 13, 2018 minutes.

Motion by Mr. Janda, seconded by Mr. Barzizza, to approve the minutes of the Board of Mayor and Aldermen meeting held August 13, 2018, as written.

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

Special Recognition

Beautification Business Award

Germantown Collection, located on Poplar Avenue, was the recipient of the August Beautification Business Award.

Farmington Teacher, Anna Brignole, Presidential Award Winner

Anna Brignole has served as an educator for the last 12 years. For the past four years, she has been teaching fourth grade mathematics at Farmington Elementary School. The White House Office of Science and Technology, with the National Science Foundation, announced 140 individuals and organizations that were honored with presidential awards for their excellence in teaching or mentoring in science, technology, engineering and mathematics. On June 24, Mrs. Brignole was recognized in Washington, D.C. by the White House as one of two teachers from Tennessee who were awarded the Presidential Award for Excellence in Mathematics and Science Teachers.

Alderman Liaison Reports

The Aldermen reported on their commission activities.

Citizens to be Heard

Jim Jacobs, 7684 Apple Valley Road, came forward to extend an invitation to the Board of Mayor and Aldermen and Board candidates to attend the Neshoba North Neighborhood Association fall cookout to be held October 20 at 4 p.m. at the corner of Apahon and Panoha roads.

John Howell, 7990 Cross Ridge Drive, came forward to express concern over zoning appeal fees for driveways.

Owens property family member, Jay Brooks, 8723 Windrush in Memphis, came forward regarding the Cordova Triangle tax base.

Owens property co-owner, Missy Brooks, 8723 Windrush in Memphis, came forward regarding the rezoning of the Cordova Triangle.

Alderman Owens entered the Council Chambers and took his seat on the dais.

CONSENT

Competitive Sealed Proposal Authorization - Germantown Athletic Club Branding Development and Design

The competitive sealed proposal process will allow staff to hear from branding and marketing professionals about cost effective proposals to redefine the brand of the athletic club. Design and branding will include marketing collateral, facility branding, logo design and external signage. New branding is important in conveying the look and feel of the newly renovated facility.

MOTION: To authorize the Germantown Athletic Club to use the competitive sealed proposal process for procuring branding development and design.

Contract – Tennessee Department of Agriculture TAEP Community Tree Planting Project Grant

IRP funding in the amount of \$35,000.00 was approved in FY19 to advance the arboretum project at Oaklawn Garden, along with addressing other site safety and landscape improvements. Staff submitted a grant application for tree planting to the State. The grant proposal was accepted. Tree plantings will take place in late fall. Once the project is completed, staff will submit invoices for the grant reimbursement. Recognition of the reimbursement will be presented to the Board of Mayor and Aldermen at that time.

MOTION: To authorize the Mayor to enter into a contract with the State of Tennessee Department of Agriculture for a TAEP Community Tree Planting Project (50/50) matching grant for the Oaklawn Garden Arboretum with a total project cost of \$8,610.00.

Donation – Germantown Education Foundation – Friend of the Foundation – 4th Quarter

The Germantown Education Foundation (GEF) was established in 2006 and is an independent, 501(c)3, not-for-profit corporation that raises funds to directly support the public education of children in Germantown. The mission of the GEF is to mobilize community resources to support and benefit schools and educational programs in the City of Germantown.

MOTION: To approve the transfer of funds collected by the City from residents and others to the Germantown Education Foundation in the amount of \$4,154.00.

Donations - Germantown Community Library

Donations were received from the Germantown Women's Club - \$700.00, Mr. Mike Fronabarger - \$75.00, the Kiwanis Club of Germantown - \$1,500.00, Kappa Kappa Gamma - \$750.00 and an anonymous donation - \$10.00.

MOTION: To recognize and accept donations made to the Germantown Community Library in the amount of \$3,035.00 and to approve Budget Adjustment No.19-10.

PEG Disbursement to GMSD – 4th Quarter

The City receives PEG funding from Comcast and AT&T based upon the number of subscribers on a quarterly basis. The funds are redirected to the PEG designated station by the City to the Germantown Municipal Television Station. The documentation is to be maintained by GMSD for all capital purchases for the PEG station. These funds will ensure that quality equipment will be purchased and used by the students.

MOTION: To authorize the disbursement of Public, Education and Government (PEG) funding in the amount of \$42,112.35 to the Germantown Municipal School District for the use of capital equipment at the Germantown Municipal Television Station.

Professional Services Agreement - Cloyes House at Oaklawn Garden

The property was gifted to the City to become a public park and garden by life-time residents Harry and Becky Cloyes. There is a rich history to the site and the property recently received an official designation as a "National Register of Historic Places" public site by the National Park Service. Funds were approved in the FY19 budget to include developing a plan to restore and repurpose the Cloyes House into a visitor's center. WALKERarch, LLC has assembled a team of qualified professionals to lead and facilitate all aspects of the design process. Their qualifications submittal document provided to the evaluation team was exceptional with a demonstrated ability to produce the restoration plan that will create a true historic destination park in Germantown.

MOTION: To authorize the Mayor to execute an agreement with WALKERarch, LLC for professional services for the development of a renovation plan and construction documents for the Cloyes House at Oaklawn Garden in the amount of \$59,500.00.

Bid Rejection - Safe Routes To School

The construction plans, specifications and bid form for the Safe Routes to School (SRTS) project, in the vicinity of Riverdale Elementary School, were completed in June 2018 with an estimated construction cost estimate of \$300,494.75. Both the City and TN Department of Transportation (TDOT) reviewed and approved the construction estimate. The lowest bid was \$406,647.62. City staff approached TDOT inquiring whether additional SRTS funds (100% reimbursable) were available to proceed with the project. No additional SRTS funds are available at this time. However, TDOT informed the City that additional Transportation Alternative Program (TAP) funds (80% reimbursable) were available to cover the overage amount. TDOT confirmed that additional TAP funds would be put toward the project in order to proceed. Following TDOT guidelines, staff submitted all bid documentation requesting TDOT concurrence to award the construction project to the lowest responsive bidder, Dixieland Contractors, Inc. in the amount of \$406,647.62. After review of the bid form comparing all bids, TDOT did not concur to award the project. A meeting was held with TDOT on August 22 and they have instructed the project to be rebid. The City anticipates rebidding the project within the next few weeks with the hopes off completing the project by the end of the calendar year.

MOTION: To reject all bids for the Safe Routes to School project in the Riverdale Elementary School zone.

Professional Services Supplement No. 5 - Germantown Athletic Club Phase IV Plans Update & Bid Phase
Phase IV will include all remaining parts of the original plans with some minor modifications. To ensure some improvements are made in FY19, staff has asked that areas within the Phase IV plans be separated out as add-alternates on top of the base bid in case the total construction costs come in over budget. Professional Services Supplement No. 5 will provide for the plans update at a cost of \$22,500.00, reimbursable costs not to exceed \$2,250.00 and \$2,250.00 for bid phase administration.

MOTION: To approve Supplement No. 5 in the amount of \$27,000.00 to the Professional Services Agreement with Fleming Architects for plans update and bid phase administration that are essential for Phase IV improvements to the Germantown Athletic Club increasing the contract amount from \$358,500.00 to \$385,500.00.

Resolution 18R19 – 2018-19 TML Risk Management Pool Grant Programs Participation

The City is committed to providing a safe workplace with equipment, training and educational opportunities that ensure the personal safety of our employees. The City has been able to use these grant funds to purchase protective equipment and offer employee driver's safety training classes. One of the requirements for all grants is for the BMA to approve the attached Resolution to Participate. In the past, staff has typically presented separate resolutions. This year, staff requested and was given approval to complete one resolution for participation in all three grants. Therefore, staff respectfully requests approval of Resolution 18R19 allowing the City to participate in the Safety Partners Loss Control, Driver Safety and Property Conservation matching grant programs offered by the TML Risk Pool.

MOTION: To approve Resolution 18R19, authorizing the City to participate in the TML Matching Grant Programs for Safety Partners Loss Control, Driver Safety and Property Conservation for 2018-19.

Wireless Transmission Facility Modification – 1926 S. Germantown Rd. - Police Station

The lease agreement between the City and SBA Properties allows for the maintenance, placement, updating, or replacement of equipment as may be needed on the existing tower structure. This modification is to upgrade an existing antenna array with a new model and associated equipment for AT&T Wireless on an existing wireless transmission facility located at 1926 S. Germantown Rd. (police station), subject to the conditions recommended by staff.

MOTION: To approve the request allowing an upgrade to an existing antenna array with a new model and associated equipment for AT&T Wireless on an existing wireless transmission facility located at 1926 S. Germantown Rd. (police station), subject to the conditions recommended by staff.

Wireless Transmission Facility Modification – 2716 Cross Country - Cloyes Soccer Fields

The lease agreement between the City and SBA Properties allows for the maintenance, placement, updating or replacement of equipment as may be needed on the existing tower structure. The applicant is requesting approval to replace six existing antennas with six new antennas, along with its associated equipment (radio units), on an existing tower that is currently owned and operated by SBA. The replacement antennas will be completely contained within the stealth pole.

MOTION: To approve the request allowing an upgrade to replace six existing antennas and associated ground equipment for AT&T Wireless on an existing wireless transmission facility located at 2716 Cross Country (Cloyes Soccer Fields), subject to the conditions recommended by staff.

Motion by Mr. Janda, seconded by Ms. Gibson, 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

Appointment - Parks and Recreation Commission

There is currently one vacancy on the commission. The remaining term of this three-year appointment expires on December 31, 2019. Ms. Brittany Pellegra has expressed her desire to serve on this commission.

Motion by Mr. Barzizza, seconded by Mr. Owens, to approve the appointment of Ms. Brittany Pellegra to serve on the Parks and Recreation Commission with a term ending December 31, 2019.

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

Declaration of Vacancy – Germantown Board of Education Position 3

On August 20, the Germantown Board of Education officially accepted the resignation of Suzanne Jones who served in position 3. Article IX, Section 2-411 Municipal School Board of the City's private act charter clearly states that the Germantown Board of Mayor and Aldermen have the responsibility to address vacancies on the Germantown Board of Education. The first step in the process is for the Board of Mayor and Aldermen to declare a vacancy. The Code further states that the vacated position shall be filled by the Board of Mayor and Aldermen by appointment of an eligible person to serve until a successor is elected during the next general election for which candidates have sufficient time to qualify.

Motion by Ms. Gibson, seconded by Mr. Massey, to declare that a vacancy on the Germantown Board of Education in position 3 per the provisions of Article IX, Section 2-411 of the City Charter effective August 27, 2018.

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

Professional Services Agreement – Supplement No. 3 – Forest Hill-Irene Road Improvements

The road improvement project is large with a critical timeline for completion. Recognizing in-house staff will need assistance periodically throughout the construction phase, \$45,000.00 was budgeted in the FY19 CIP for professional services as needed. The services include addressing contractor's and suppliers' requests for information, providing consultation to resolve questions related to interpretation of the plans/specifications and issues due to field conditions, reviewing shop drawings to ensure conformance with requirements shown in construction plans and preparing plans revisions.

Motion by Mr. Owens, seconded by Mr. Janda, to approve Supplement No. 3 in the amount of \$45,000.00, increasing the existing Forest Hill-Irene Road Improvements Project Professional Services Agreement with Gresham Smith & Partners from \$401,555.00 to \$446,555.00.

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

Reimbursement Payment No. 1 – Germantown Municipal School District Security Improvements

The FY19 CIP budget includes \$500,000.00 for Germantown Municipal School District school security improvements. The installation of additional security cameras at the five schools, cell phone boosters, and securing the campus at Houston High School were of immediate concern to the district. The total cost of the security camera and cell phone booster improvements is currently estimated to be \$336,334.00. The remaining budgeted balance will be used to secure the entrances and courtyard areas at Houston High School.

Motion by Mr. Barzizza, seconded by Ms. Gibson, to approve Reimbursement Payment No. 1 in the amount of \$102,600.00 to the Germantown Municipal School District for school security improvements.

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

Ordinance 2018-7 - Public Arts Commission – Third and Final 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. Barzizza, to approve on third and final reading Ordinance 2018-7, establishing a Public Arts Commission.

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

Ordinance 2018-8 - Bicycle and Pedestrian Commission – Third and Final 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. Janda, to approve on third and final reading Ordinance 2018-8, establishing a Bicycle and Pedestrian Commission.

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

Ordinance 2018-9 – Technology Commission – Third and Final 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 proposed motion is an amendment replacing the Telecommunications Commission with the Technology Commission.

Motion by Mr. Barzizza, seconded by Mr. Janda, to approve on third and final 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.

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

Ordinance 2018-10 – Rezoning Cordova Triangle from “T4” General Urban to “R” Single-Family Residential, and an Ordinance Amendment to delete Cordova Triangle from the CBD Regulating Plan referred to in Sec. 23-756 and the Zoning Map in Sec. 23-824 of the Germantown Smart Code – First Reading and Set Public Hearing

Prior to the 2007 adoption of the Smart Code, the Cordova Triangle parcels were zoned R - Residential. After more than a decade, there has been no formal development project application filed with the City to develop any of the parcels. The T-4 Smart Code overlay of the Triangle consists of six homes within the 19.77 acres. The parcels have remained single-family residential in their land use since the adoption of the Smart Code. The Owen tract is heavily wooded with a mature canopy of trees and the other six parcels include mature trees and vegetation along with the single-family homes. Across Germantown Road to the east, more than \$175 million in new developments have been completed or are under construction. As a result of the development, the neighborhood has changed. The concentration of vehicular, pedestrian and bicycle traffic, as well as anticipated high levels of citizen participation in the area when considering the context and character of the existing neighborhoods, shows that the application of the T-4 permitted uses within the Triangle would no longer be wise community development. Therefore, in the interest of public necessity, convenience, general welfare and good zoning practice, the City seeks to return the area to its original R - Residential zoning. In so doing, the property and the surrounding neighborhoods will be protected from any impact that would be occasioned from high-density development of the Triangle.

Board of Mayor and Aldermen
August 27, 2018
Page 7

Motion by Ms. Gibson, seconded by Mr. Barzizza, to approve on first reading Ordinance 2018-10, the rezoning of the Cordova Triangle from "T4" General Urban to "R" Single-Family Residential, and an Ordinance Amendment to delete Cordova Triangle from the CBD Regulating Plan referred to in Sec. 23-756 and the Zoning Map in Sec. 23-824 of the Germantown Smart Code and to set the public hearing for September 24, 2018.

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

Meeting adjourned.

The Report on Debt Obligation regarding the capital outlay note for the Germantown Municipal School District administration building was provided to the Board of Mayor and Aldermen in their agenda packet for the August 27, 2018 regular board meeting. This was as an information only item. No action was required by the Board; however, the following report is included in the minutes as part of the official record of August 27, 2018 regular meeting.