

BOARD OF MAYOR AND ALDERMEN

January 14, 2019

The regular meeting of the Board of Mayor and Aldermen was held on Monday, January 14, 2019 at 6 p.m. in the Council Chambers at City Hall.

Mayor Mike Palazzolo was present and presiding.

The following aldermen were present: Scott Sanders, Mary Anne Gibson, Dean Massey, Forrest Owens and Rocky Janda. Staff present: Jeff Beaman, Pam Beasley, Michele Betty, Paul Chandler, Reynold Douglas, Tony Fischer, Tim Gwaltney, Richard Hall, Jason Huisman, Patrick Lawton, Mac McCarroll, Bo Mills, Daniel Page, Lisa Piefer, Sheila Pounder, Phil Rogers, Cameron Ross, Emily Rozar, John Selberg and Steve Wilensky.

Call to Order

The Mayor called the meeting to order.

Invocation

Bo Mills gave the invocation.

Pledge of Allegiance

Alderman Massey led the Pledge of Allegiance.

Set Agenda

During the executive session, the Board unanimously agreed to move to the Consent Agenda #11 - Appointments to Boards and Commissions, and to move #10d - Professional Services Agreement Supplement No. 2 - Final Closeout Right-of-Way Appraisals - Wolf River Boulevard/Germantown Rd. Intersection Improvements Project and #10e - Professional Services Agreement Supplement No. 4 - Wolf River Boulevard/Germantown Rd. Intersection Improvements Project to the Regular Agenda.

Motion by Mr. Janda, seconded by Ms. Gibson, to approve the January 14, 2019 agenda as amended.

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

Approval of Minutes

December 10, 2018 Regular Meeting

The minutes of the regular meeting held December 10, 2018 were approved as written.

Motion by Ms. Gibson, seconded by Mr. Janda, to approve the minutes of the Board of Mayor and Aldermen regular meeting held December 10, 2018.

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

December 18, 2018 Special Called Meeting

The minutes of the special called meeting held December 18, 2018 were approved as written.

Motion by Mr. Janda, seconded by Mr. Sanders, to approve the minutes of the Board of Mayor and Aldermen special called meeting held December 18, 2018.

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

Citizens to be Heard

No citizens came forward.

Special Recognition

Germantown Education Commission Teacher of the Month – December 2018

The Teacher of the Month award winner for December 2018 is Jason Middlekauff. Mr. Middlekauff teaches ninth grade Honors English at Houston High School.

Germantown Education Commission Youth Excellence Award – December 2018

The December 2018 Youth Excellence award winner is Brooke Foreman, a senior at Briarcrest Christian School.

Alderman Liaison Reports

The Aldermen reported on their commission activities.

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

BEER BOARD

Public Hearing – Beer Permit – Off-premise Application – Exxon Food Mart

The City has received a request from Germantown Convenience, Inc. for a permit to sell beer for off-premise consumption at Exxon Food Mart, located at 1300 S. Germantown Road. – **WITHDRAWN BY APPLICANT**

Public Hearing – Beer Permit – Off-premise Application – Poplar Food Mart #1

The City has received a request from Poplar Investments, Inc. for a permit to sell beer for off-premise consumption at Poplar Food Mart #1, located at 7616 Poplar Avenue.

Mayor Palazzolo opened the public hearing. Having no one come forward, Mayor Palazzolo closed the public hearing.

Motion by Ms. Gibson, seconded by Mr. Janda, to approve the request of Poplar Investments, Inc. for a permit to sell beer for off-premise consumption at Poplar Food Mart #1, located at 7616 Poplar Avenue.

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

Public Hearing – Beer Permit – On-premise Application – Rock N Roll Sushi

The City has received a request from Ronald Craig Estes for a permit to sell beer for on-premise consumption at Rock N Roll Sushi, located at 9155 Poplar Avenue #19.

Mayor Palazzolo opened the public hearing. Having no one come forward, Mayor Palazzolo closed the public hearing.

Motion by Ms. Gibson, seconded by Mr. Janda, to approve the request of Ronald Craig Estes for a permit to sell beer for on-premise consumption at Rock N Roll Sushi, located at 9155 Poplar Avenue #19.

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

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

CONSENT

Contract Extension - Club Management Software Germantown Athletic Club

The Club has gone through many changes and improvements over the past 28 years, and currently serves over 12,000 members from the Germantown and surrounding areas for their health and wellness needs. Club management software is vitally important to the day to day operations of the facility, including check-ins,

billing, collections, program registration, reporting, etc. The management of the club's membership base is critical to its sustainability. The Board approved a contract with Jonas Fitness on January 26, 2015 for the athletic club to use web based software for a period of one year with seven one-year extensions. Extension No. 3 ends on January 31, 2019.

MOTION: To authorize the contract extension No. 4 and re-occurring monthly fees of \$1,521.00 to Jonas Fitness Incorporated for web based software use at the Germantown Athletic Club for a period of one year. This is an annual cost of \$18,252.00, with only \$7,605.00 being spent in FY19 and the remaining \$10,647.00 being allocated to FY20.

Donations - Germantown Community Library

A donation of \$9,000.00 from the Friends of the Library was designated to purchase upgrades for the Youth Services area of the library, including a youth activity center and some new furnishings. A donation of \$500.00 by Bill and Ellen Jordan was designated for the purchase of materials. The donation from Shelby County Republican Women's Club in the amount of \$100.00 and the donation of \$233.00 from Memphis Calligraphy Guild were given in support of library programs. The Chief Piomingo Chapter NSDAR has donated \$50.00 for material purchases for the genealogy collection.

MOTION: To approve donations of \$9,833.00 to the Germantown Community Library, \$50.00 to the Germantown Regional History and Genealogy Center, and to approve Budget Adjustment No.19-32.

Grants – Germantown Regional History and Genealogy Center

The Germantown Regional History and Genealogy Center works in partnership with many local organizations and individuals to provide top quality services to its patrons. They have received an offer from the Tennessee State Library and Archives, in the amount of \$2,000.00, to be used for the provision of archives management services. This is a reimbursement grant.

MOTION: To approve a reimbursement grant in the amount of \$2,000.00 for use by the Germantown Regional History and Genealogy Center.

Appointments to Boards and Commissions

Education Commission

There is currently one vacancy on the commission. The term of this appointment expires on June 30, 2019. Mrs. Joy Williams has expressed her desire to serve.

MOTION: To approve the appointment of Mrs. Joy Williams to serve on the Education Commission with a term ending June 30, 2019.

Neighborhood Preservation Commission

There is currently one vacancy on the commission. The term of this appointment expires on December 31, 2019. Mrs. Michelle Johns has expressed her desire to serve.

MOTION: To approve the appointment of Mrs. Michelle Johns to serve on the Neighborhood Preservation Commission with a term ending December 31, 2019.

RPAC/OPEB

There are currently two vacancies on the commissions. The term of this appointment expires on December 31, 2019. Mr. Todd Proctor has expressed his desire to serve.

MOTION: To approve the appointment of Mr. Todd Proctor to serve on the Retirement Plan Administration Commission (RPAC) and Other Post Employee Benefits Commission (OPEB) with a term ending December 31, 2019.

Senior Citizen Advisory Commission

There is currently one vacancy on the commission. The term of this appointment expires on December 31, 2019. Mrs. Edrie Bobbitt has expressed her desire to serve.

MOTION: To approve the appointment of Mrs. Edrie Bobbitt to serve on the Senior Citizen Advisory Commission with a term ending December 31, 2019.

Purchase - Fuel Transport Trailer

This fuel transport trailer will replace a 250-gallon diesel tank which must be loaded onto a vehicle when needed for refueling equipment, mainly stationary generators. The City has 21 generators, 17 stationary and three mobile. The stationary generators are designed to run 48 hours on a single fuel supply and the mobile generators are designed to run 24 hours. During major power outage events, these generators require constant refueling. The fuel tank capacities for these generators are 50 to 3,000 gallons. The refueling process can be very time consuming, utilizing a 250-gallon tank, and usually requires additional personnel to mobilize the refueling process. This type of system is specifically designed for this purpose and will eliminate the need for additional personnel, creating a safe and efficient refueling operation.

MOTION: To approve the purchase of a new 2018, 750-gallon fuel transport trailer, model number EZ-750MOB-D, from Blue 1 Energy Equipment in the amount of \$15,238.05 and to declare the existing 250-gallon diesel tank as surplus.

Purchase – Google G Suite Annual Licensing

The Google G Suite products continue to be a robust, secure “Cloud” based product and provide secure access from anywhere without the requirement of a mobile device. In addition to email information, account users are able to access calendar and contact information. The consolidated products allow the City to migrate to G Suite for Business which provides unlimited email, document and image storage for all users, Google Vault services and will eliminate the need for additional Google Drive storage licenses. City staff is able to search and retrieve information requested faster and easier than previous processes.

MOTION: To authorize the renewal of annual maintenance and licensing for G Suite for Business and Google Chrome Device Management in the amount of \$55,602.90 from Onix Networking.

Reimbursement - Overtime Police

The Germantown Police Department has an officer assigned to the Federal Bureau of Investigation Joint Safe Streets Task Force, the Drug Enforcement Administration Task Force, the Terrorism Task Force and the Secret Service Task Force. The task forces reimburse any overtime that the officers receive while carrying out his/her duties. The Department of Justice reimbursed \$14,865.85 and the Department of Homeland Security reimbursed \$14,185.68, for a total \$29,051.53.

MOTION: To recognize overtime reimbursement from the Federal Department of Justice, the Department of Homeland Security and The Tennessee Highway Safety Office in the amount of \$29,051.53 and to approve Budget Adjustment No.19-33.

Reimbursement Payment No. 1 – Germantown Municipal School District (GMSD) Riverdale Boiler/Chiller Renovation Project

The FY19 CIP budget includes \$1,000,000.00 for this project. Initially planned as a straightforward boiler replacement with a price tag of \$680,000.00, GMSD modified the scope of the project to include a complete

renovation of the antiquated HVAC system. According to their master facilities plan, GMSD estimates the total cost of this project to be between \$3 and \$3.5 million. The bid package is anticipated to go out in the spring of 2019 with construction to take place this summer. The project scope now includes the demolition of the boiler/chiller and all associated pipes, asbestos abatement, the installation of new traditional rooftop HVAC units, new duct work, a replacement of the ceiling tile/grid, new LED lights to replace the compact fluorescents, the removal of existing air handlers, and new windows, if budget allows. This is the first reimbursement request for the Riverdale Boiler/Chiller Renovation Project submitted for BMA consideration. The \$480,880.00 requested amount, which was approved by the GMSD board on December 18, 2018, covers the direct purchase of HVAC equipment from Trane.

MOTION: To approve Reimbursement Payment No. 1 in the amount of \$480,880.00 to the Germantown Municipal School District for the purchase of HVAC equipment for the Riverdale Boiler/Chiller Renovation Project.

Motion by Mr. Sanders, seconded by Mr. Owens, to approve the consent agenda as read.

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

REGULAR

Professional Services Agreement Supplement No. 2 – Final Closeout Right-of-Way Appraisals - Wolf River Boulevard/Germantown Road Intersection Improvements Project

Soon after this project was closed out, TDOT informed the City that a re-appraisal of Tract 14 was necessary. Tract 14, owned by RB-Germantown (Walgreens), is in condemnation proceedings. The original appraisal was over a year old and needed to be updated for condemnation purposes. The final invoice for the project in the amount of \$6,000.00 is 100% reimbursable.

Motion by Mr. Owens, seconded by Ms. Gibson, to approve Supplement 2 in the amount of \$6,000.00, increasing the Professional Services Agreement with Bouldin & Associates from \$156,500.00 to \$162,500.00 for property appraisal services related to the Wolf River Boulevard/Germantown Road Intersection Improvements project and final closeout of the project.

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

Change Order No. 2 - Forest Hill-Irene Road Improvements – Construction Contract

On August 13, 2018, the City entered into a construction contract with Acuff Enterprises dba as Scott Contractors in the amount of \$6,113,785.55 for the Forest Hill-Irene Road Improvements project. The project involves widening of the existing 2-lane rural cross section roadway to a five (5) median divided roadway with curb & gutter, sidewalk and bike lanes on both sides from Poplar Pike to Winchester. Due to the fiber optic plans not being 100% complete at the time the roadway project was advertised for bids, an allowance of \$75,000.00 was set up for fiber optic installation in the original contract. The bidders were informed that once an apparent low bidder had been determined and under contract, they would be required to obtain three (3) quotes for the fiber optic installation. DeSoto Electric provided the lowest quote for fiber optic installation of \$91,487.50. The contractor will be paid invoice amount plus 3%. Total contract change related to this item is \$94,232.13 - \$75,000 = \$19,232.13.

There is a 54" diameter concrete culvert crossing Forest Hill-Irene Road just north of the new elementary school site. The original plan was to leave the existing culvert in-place, extending each end of the culvert to accommodate road widening. However, now that roadside clearing has taken place and the existing pipe is fully accessible, it has been thoroughly inspected. There are open joints, cracks and sagging sections that make full replacement of the existing culvert necessary. Scott Contractors has provided a cost estimate of \$18,399.20 to fully replace the culvert.

Motion by Mr. Janda, seconded by Ms. Gibson, to approve Change Order 2 in the amount of \$37,631.33, increasing the construction contract for the construction of Forest Hill-Irene Roadway Improvements Project with Acuff Enterprises dba Scott Contractors from \$6,113,785.55 to \$6,151,416.88 and adding four additional days to time to complete.

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

Election of Vice Mayor

The Vice-Mayor shall perform the duties of the Mayor during the absence or inability of the Mayor to act.

Motion by Mr. Janda, seconded by Mr. Owens, to elect Alderman Mary Anne Gibson to serve as Vice Mayor for 2019.

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

Grant – Leadership Germantown

Originated in 1996 by the Germantown Area Chamber of Commerce, in cooperation with the City of Germantown, Leadership Germantown seeks to equip graduates to lead, connect and navigate change within the community. Today, the Leadership Germantown program operates independently as a 501(c)(3) non-profit corporation, managed by volunteer board members.

Motion by Ms. Gibson, seconded by Mr. Janda, to approve payment of a budgeted grant to Leadership Germantown in the amount of \$13,600.00.

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

Purchase – Fire Engine

Included within the purchase price of this fire engine is additional equipment needed for the operation of the fire engine at emergency incidents. This fire engine will be used as a front-line apparatus and will allow fire engine F-156 (Engine 93) to be utilized as a reserve apparatus. The new fire engine will meet current safety standards, including a climate controlled cab, as well as improved storage, pump and water capacity. Several measures will be incorporated to reduce the firefighter's exposure to carcinogens. The fire engine will include a compressed air foam system that uses a mixture of firefighting foam, compressed air and water to greatly improve fire suppression capabilities. Other features include a mobile data terminal, internet Wi-Fi system, LED lighting, automatic snow chains and reduced motor emissions meeting current federal government standards. The loose equipment that will be provided with the purchase includes two (2) Bullard Thermal Imaging Cameras and one (1) TNT Battery Operated Combination Rescue Tool.

Motion by Mr. Sanders, seconded by Ms. Gibson, to approve the purchase of a custom fire engine, along with related equipment, from Emergency Vehicle Specialists representing Pierce Manufacturing Inc. in the amount of \$859,539.00 and to surplus fire engine F-139 when the new apparatus is delivered and placed into service.

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

Resolution 19R03 – Banking and Signature Cards (LR)

The City as several bank accounts that the mayor, aldermen and city administrator are required to sign for the transfer of funds, payment of vendors and employee payroll checks. This requires that the mayor, aldermen and city administrator by resolution be listed on the bank cards as signers on the accounts.

Motion by Mr. Janda, seconded by Mr. Sanders , to adopt Resolution 19R03 establishing for bank and signature cards with SunTrust Bank, which will authorize the Mayor, Aldermen and City Administrator as signers on the City of Germantown Concentration account, accounts payable and payroll checks accounts.

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

Ordinance 2019-5 - Amendment to Zoning Ordinance Chapter 23 – SmartCode: Site Standards – First Reading and Set Public Hearing

The Planning Commission approved the revised language to Sections 23-793(A)(1) and 23-793(A)(3) of the smart code to clarify the minimum width of a vehicle entrance from a designated frontage street in the “T5 & T6 ” zoning district and to clarify the minimum driveway width permitted in all smart code zoning districts. The Planning Commission changes will align the Sections 23-793(A)(1) and 23-793(A)(3) with Section 23-792(B)(2) as well as the fire department regulations for the fire code. The proposed changes are as follows:

SEC.23-793. DRIVEWAYS AND CROSS-ACCESS CONNECTIONS

Driveways

Mid-block Lot Driveways: A mid-block lot without access to a side street or alley is permitted one driveway with a maximum width of ~~24 feet~~ 30 feet.

Corner Lot Driveways: Corner lots may take access from side street or secondary frontage only. Preference for access shall be given to the minor street as determined by the Administrator. Driveways shall be located as far from the adjacent public street intersection as practical to achieve maximum available corner clearance, with consideration of property limits, adjacent curb cuts, topography and existing drainage facilities.

Driveway Widths: Vehicular entrances to parking lots, garages and parking structures shall be no wider than ~~24 feet~~ 30 feet at the Frontage.

Motion by Mr. Owens, seconded by Mr. Janda, to approve on first reading Ordinance 2019-5, amendments to Chapter 23 of the Municipal Code, Germantown Smart Code Ordinance related to Driveways, and set the public hearing for February 11, 2019.

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

Ordinance 2019-6 – Amendment to Zoning Ordinance Chapter 23 - Wireless Transmission Facility – First Reading and Set Public Hearing

It is necessary to make amendments to modify Chapter 23-86 (Wireless Transmission Facility) of the Municipal Code to update the existing regulations pertaining to the review process of Wireless Transmission Facilities (WTF), to ensure conformance with changes recently adopted by the Federal Communication Commission (FCC) and the State Legislative Bodies (Public Charter No. 819). The approval of these proposed text amendments will make two specific changes to the existing review process of WTF as follows:

The first change allows for the administrative review and approval of minor modifications to existing WTF, including co-locations and replacement or addition of new equipment. Although the zoning ordinance allows for the approval of WTF co-locations and the replacement or addition of new equipment by service providers via a streamlined approval process, that process includes the final approval by the Board of Mayor and Aldermen. In order to adhere to the FCC regulations which require that minor modifications to existing WTF be reviewed administratively within 90 days, it is recommended that final approval for these types of changes be by the Director of Economic and Community Development or his designee. The approval of this amendment will reduce the current approval process time for most of these minor modifications to ensure conformance with the FCC regulations.

The second change is to establish policies and procedures for the placement of small cell wireless facilities in the public rights-of-way in response to the State’s adoption of Public Charter No. 819, known as the

“Competitive Wireless Broadband Investment, Deployment, and Safety Act of 2018.” Staff has worked with the City Attorney, Information Technology and outside wireless service providers to prepare an ordinance amendment that addresses concerns about allowing this new technology within public rights-of-way and created a process for review of these new small cell facilities on private property that adheres to the regulations and guidelines established by the new state legislation.

Motion by Mr. Janda, seconded by Mr. Sanders, to approve on first reading Ordinance 2019-6, amendments to the Germantown Ordinance related to Wireless Transmission Facilities and set February 11, 2019 as the public hearing date.

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

Professional Services Agreement Supplement No. 4 - Wolf River Boulevard/Germantown Road Intersection Improvements Project

On December 2, 2014 the City received approval on the City’s environmental clearance request. The environmental clearance was valid for three (3) years, expiring on December 2, 2017. In order to proceed to the construction phase of the project, the National Environmental Policy Act guidelines document must be updated for re-approval. Supplement No. 4 is necessary to cover additional consultant efforts for updating and resubmitting the document.

Motion by Mr. Janda, seconded by Ms. Gibson, to approve Supplement No. 4 to a professional services agreement with Buchart-Horn, Inc. in the amount of \$9,000.00, increasing the contract amount from \$279,856.00 to \$288,856.00 for additional environmental services related to the Wolf River Boulevard/Germantown Road Intersection Improvements project.

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

Meeting adjourned.

Mike Palazzolo, Mayor

Michele Betty, City Clerk/Recorder