

BOARD OF MAYOR AND ALDERMEN
February 11, 2019

The regular meeting of the Board of Mayor and Aldermen was held on Monday, February 11, 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: Pam Beasley, Michele Betty, Reynold Douglas, Tony Fischer, Richard Hall, Jason Huisman, Patrick Lawton, Mac McCarroll, Bo Mills, Daniel Page, Lisa Piefer, Sheila Pounder, Cameron Ross, John Selberg and Steve Wilensky.

Call To Order

The Mayor called the meeting to order.

Invocation

Reynold Douglas gave the invocation.

Pledge of Allegiance

Vice Mayor Gibson led the Pledge of Allegiance.

Approval of the Agenda

During the executive session, the Board unanimously agreed to move to the regular agenda Item #10a – Agreement – Shelby County Schools Facility Usage.

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

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

Approval of Minutes

There were no corrections to the minutes.

Motion by Mr. Janda, seconded by Mr. Sanders, to approve the minutes of the regular meeting held January 28, 2019.

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 Youth Excellence Award - January 2019

The January Youth Excellence Award winner is Cady Baltz, a senior at Houston High School.

Germantown Education Commission Teacher of the Month Award - February 2019

The Teacher of the Month Award winner for February is Ms. Cristy Boggan, a member of the Career Technical Education department at Houston High School.

Germantown Education Commission Youth Excellence Award - February 2019

The February Youth Excellence Award winner is Avery Veteto, a senior at Briarcrest Christian School.

Proclamation - Houston High School Football Day

The Mayor proclaimed February 11, 2019 as Houston High School Football Day. The team went 10-2 in the 2018 season, finished at #9 in the AP 6A state football poll and is the 2018 6A Region 7 Champions.

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 – Temporary Beer Permit – On-Premise - Leadership Germantown Trivia Night

Leadership Germantown is seeking a temporary beer permit to serve beer at their annual Trivia Night fundraiser. The beneficiary of the proceeds is Leadership Germantown.

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

Motion by Mr. Janda, seconded by Ms. Gibson, to approve a temporary beer permit allowing Leadership Germantown to serve beer at their annual Trivia Night fundraiser to be held at the Great Hall & Conference Center, Saturday, February 23, 2019, between the hours of 6 p.m. and 11:59 p.m.

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

Public Hearing - Beer Permit - Off-Premise – 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. According to the record check, nothing has been found to discredit the applicant.

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

Motion by Mr. Owens, seconded by Mr. Janda, to approve the request of Germantown Convenience, Inc. for a permit to sell beer for off-premise consumption at Exxon Food Mart, located at 1300 S. Germantown Road.

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 AGENDA

Competitive Sealed Proposal Authorization - Tennis Professional Services

For the past five years, the City has contracted with Smashing Aces Tennis. Smashing Aces Tennis has had the exclusive right to develop, implement, instruct and manage an instructional program that provides tennis camps, classes, clinics, leagues, tournaments and group and private lessons at City tennis facilities. The term for the current contract expires in May, 2019.

MOTION: To authorize the use the competitive sealed proposal process for the procurement of tennis program delivery services.

Donations - Germantown Community Library

The Germantown Community Library works in partnership with many local organizations and individuals to provide top quality services to its patrons. The donation from the Indian Community Fund for Greater Memphis in the amount of \$1,000.00 is designated for The Big Read program. The donation of \$1,000.00 by the Heritage Woman's Club is designated to support the children's department for the enhancement of programs benefitting our youngest patrons.

MOTION: To approve donations of \$2,000.00 to the Germantown Community Library and to approve Budget Adjustment No. 19-42.

Donation - Police

The Germantown Police Department received a donation of \$250.00 from Joseph Warren, Jr. to supplement the Germantown Crime Stoppers fund.

MOTION: To recognize a donation received from Joseph Warren, Jr. in the amount of \$250.00.

Grant - Tennessee Disability Coalition

The City received a grant from the Tennessee Disability Coalition (TDC), totaling \$3,575.00, to fund special populations programming at the Germantown Community Library. The first half of the grant, which was approved by the BMA on July 23, 2018, allowed the library to strengthen and expand the existing special populations programs at the library for the past six months. Based on the success generated from the use of the original funds, the TDC awarded the second half of the grant. Funding from this half of the grant will allow the library to continue bringing in outside presenters for special populations events, to continue paying an intern to assist with all aspects of special populations programming, and will allow the Next Chapter Book Club to continue to meet weekly.

MOTION: To recognize a grant to the Germantown Community Library from the Tennessee Disability Coalition, totaling \$3,575.00, to fund special populations programming and to approve Budget Adjustment No. 19-45.

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

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

REGULAR

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

The Planning Commission approved the revised language to Sections 23-793(A)(1) and 23-793(A)(3) of the SmartCode to clarify the minimum width of a vehicle entrance from a designated frontage street in the "T5 & T6" Zoning Districts and to clarify the minimum driveway width permitted in all SmartCode Zoning Districts. The Planning Commission recommended approval of the proposed changes to the ordinance at their meeting on October 2, 2018. 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 Germantown Fire Department regulations for the Fire Code. The proposed changes are as follows:

1. 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.
2. 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.
3. Driveway Widths: Vehicular entrances to parking lots, garages, and Parking Structures shall be no wider than ~~24 feet~~ 30 feet at the Frontage.

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

hearing.

Motion by Mr. Owens, seconded by Ms. Gibson, to approve on second reading Ordinance 2019-5, amendments to Chapter 23 of the Municipal Code, Germantown Smart Code Ordinance Site Standards related to Driveways.
ROLL CALL: Sanders-yes, Gibson-yes, Massey-yes, Owens-yes, Janda-yes. Motion approved.

Ordinance 2019-6 - Amendments to Zoning Ordinance Chapter 23 - Wireless Transmission Facility - Second Reading and Public Hearing

The first of two changes allows for the administrative review and approval of minor modifications to existing wireless transmission facilities, including co-locations and replacement or addition of new equipment. Although the zoning ordinance allows for the approval of facility 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 facilities 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, The Department of 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 guideline established by the new state legislation.

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 on second reading Ordinance 2019-6, amendments to the Germantown Ordinance related to Wireless Transmission Facilities.

Motion by Mr. Massey, seconded by Mr. Sanders, to amend the proposed ordinance changes by adding back the language that was stricken from paragraph (C)(3) to add the Board of Mayor and Aldermen back to the approval process.

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

ROLL CALL: On original motion by Ms. Gibson, seconded by Mr. Janda, to approve on second reading Ordinance 2019-6, amendments to the Germantown Ordinance related to Wireless Transmission Facilities.

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

Telecommunications Franchise Agreement - XO Communications Services, LLC

The purpose of a telecommunications franchise agreement is to: (1) provide the City with accurate and current information concerning the telecommunications services and facilities with the City, in the collection of any taxes, fees or charges, and assist in monitoring compliance with laws. The non-exclusive franchise agreement is applicable to XO Communications Services, LLC, a wholly owned subsidiary of Verizon Communications, Inc., to operate, use, maintain lease or otherwise locate telecommunications facilities in, under, over or across any street of the City for the providing of a telecommunications service to person or areas in the City or leasing such telecommunication facilities. This telecommunications franchise will be limited to the specific geographic area of the City to be served by the franchisee and the specific streets necessary to serve such areas.

Motion by Mr. Janda, seconded by Ms. Gibson, to approve a telecommunication franchise agreement with XO Communications Services, LLC for access to City right-of-way and streets.

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

Wireless Transmission Facility Modification - Verizon Equipment Upgrade (8151 Poplar Ave. - Our Lady Of Perpetual Help Catholic Church)

Crown Castle has an existing cell tower situated on property that is leased from the Our Lady of Perpetual Help (OLPH) Catholic Church, on which Verizon wireless is one of the current service providers. The lease agreement between the OLPH and Crown Castle 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 antennas and associated equipment on two separate arrays to an existing, camouflaged array on an existing tower that is currently owned and operated by Crown Castle. The Zoning Ordinance allows for the approval of WTF co-locations and the replacement or addition of new equipment by service providers on existing towers via a streamlined approval process. That process includes a review by the Department of Economic and Community Development staff to ensure that all Ordinance and technical requirements have been met and the approval of the Board of Mayor and Aldermen. There will be no changes to the ground compound space and it appears to be in good order. 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 from Shelby County and install the proposed equipment on the existing tower within the existing compound.

Motion by Mr. Sanders, seconded by Ms. Gibson, to approve the request allowing six replacement antennas and associated equipment on two separate arrays to 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.

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

Agreement - Shelby County Schools Facility Usage

The City continues to work with Shelby County Schools (SCS) to maintain a facility usage agreement for school sponsored sports and programs requesting access to City parks and amenities. The proposed agreement lays out the terms and conditions for the use of facilities owned and operated by both parties in a manner that is mutually beneficial. City staff worked with SCS Germantown schools to re-evaluate the terms of the previous agreement. All are satisfied with the terms of the proposed agreement model as it provides a partnership arrangement with no direct cost to either party. There are no recommended changes in this new contract.

Motion by Ms. Gibson, seconded by Mr. Sanders, to authorize the Mayor to execute the Facility Usage Agreement for the use of certain City park facilities with the Shelby County Board of Education and the use of indoor space in the three Germantown SCS schools by the City of Germantown Parks and Recreation Department for a one year period.

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

Meeting adjourned.

Mike Palazzolo, Mayor

Michele Betty, City Clerk/Recorder