

BOARD OF MAYOR AND ALDERMEN

March 25, 2019

The regular meeting of the Board of Mayor and Aldermen was held on Monday, March 25, 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, Rodney Bright, Paul Chandler, Reynold Douglas, Tony Fischer, Sarah Goralewski, Tim Gwaltney, Jason Huisman, Patrick Lawton, Mac McCarroll, Bo Mills, Daniel Page, Lisa Piefer, Sheila Pounder, Phil Rogers, Cameron Ross, Emily Rozar, Dr. Charles Schulz, John Selberg and Steve Wilensky.

Call To Order

The Mayor called the meeting to order.

Invocation

Tony Fischer 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: #10 Appointment – Germantown Athletic Club Commission – Alderman Liaison and #15 Public to Private Street Conversion – Allelon Subdivision Final Plan and to move to the regular agenda: #9b Change Order No 1 – Sewer Manhole Rehabilitation, #9c Change Order – GPAC Grove Outdoor Venue and #9g Supplement No. 1 – FY19 On-call Professional Services Agreement – Kimley Horn & Associates, Inc.

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. Sanders, seconded by Mr. Owens, to approve the minutes of the regular meeting held February 25, 2019.

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

Citizens to be Heard

In regard to health and property value concerns, the following citizens came forward to oppose the installation of a proposed cell tower at Dogwood Elementary School.

Ann Parker, 8388 Dell Oak Cv.
Jennifer Bell, 2111 Prestwick Dr.
Robbie Davis, 2830 Water Leaf

Ronald Carpenter, 7954 Neshoba, came forward to ask the Board to support in Senate Bill 1292, a bill regarding the Sunshine Law and economic developments.

Special Recognition

Germantown Education Commission Teacher of the Month Award - March 2019

The Teacher of the Month award winner for March 2019 is Ms. Donna Kitchen. Ms. Kitchen teaches special education at Riverdale Elementary School.

Germantown Education Commission Youth Excellence Award - March 2019

The Youth Excellence award winner for March 2019 is Matthew Fischer, a senior at Houston High School.

Proclamation – Boyd Maize

Mayor Palazzolo proclaimed March 24, 2019 as John Boyd Maize, Jr. Day to celebrate his 95th birthday. Mr. Maize served the city of Germantown as an alderman from September 1969 until December 1980.

Alderman Liaison Reports

The Aldermen reported on their commission activities.

CONSENT AGENDA

Agreement - Wireless Transmission Facility Lease Extension - T Mobile South, LLC

T-Mobile South, LLC approached the City requesting an extension on the agreement. The lease amendment agreement does not affect the equipment on the physical structure at the site and existing City properties remain unchanged. The lease amendment agreement is for two additional 5-year term renewals totaling a maximum lease agreement of 10 additional years.

MOTION: To approve an amendment to the lease agreement with T-Mobile South, LLC. for access to City property for a Wireless Transmission Facility located within the City's Water Tower Complex.

Appointment – Germantown Athletic Club Commission - Alderman Liaison

Currently there is not an alderman liaison to the commission. Germantown Athletic Club membership is a requirement for service on this commission. Alderman Rocky Janda has expressed his desire to serve. Alderman Janda's membership at the Club is current and he has served as alderman liaison to the commission in the past. The term of this liaison appointment expires on December 31, 2019.

MOTION: To approve the appointment of Alderman Rocky Janda to serve as alderman liaison to the Germantown Athletic Commission with a term ending December 31, 2019.

Public to Private Street Conversion – Allelon Subdivision Final Plan

With the subdivision 98% complete, the applicant, Boyle Investment Company, would now like to convert the subdivision to one that is private and gated.

MOTION: To approve the request for the final public to private street conversion for Allelon Subdivision.

Contract – Fireworks

Pyro Shows, Inc. was the one bid which was received for the July 4, 2019 fireworks display. Pyro Shows, Inc is a reputable Tennessee company having extensive experience in producing large municipal events.

MOTION: To approve the contract agreement in the amount of \$19,500.00 for the July 4, 2019 Fireworks Display.

Donations – Germantown Community Library

The Friends of the Germantown Community Library, along with library staff, have identified the need for additional conference room space inside the library. The donation from The Friends will fund the design of a new conference room that will be adjacent to the existing reading room. Fleming Architects and the General Services Director have conducted a thorough site visit based upon input from The Friends and library staff.

MOTION: To approve donations of \$5,750.00 to the Germantown Community Library and to approve Budget Adjustment No.19-68.

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 Fire Department is currently replacing turnout coats and pants purchased in 2012 and before.

MOTION: To approve the purchase of fire department turnout gear from North American Fire Equipment Company through an HGAC-Buy cooperative contract EE08-17 for the amount of \$42,683.04.

Motion by Mr. Janda, seconded by Mr. Sanders, 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

Change Order No. 1 - Sewer Manhole Rehabilitation

The City sewer division performs preventive maintenance and repairs on over 250 miles of sewer mains annually. Each year funding is allocated in the sewer infrastructure replacement program for the rehabilitation of older or inferior infrastructure within the system to address infiltration or any other damage that may prevent maximum flow and functioning capabilities. The contract for this fiscal year's program was approved by the Board at the September 10, 2019 meeting. This additional sewer manhole rehabilitation is for the Woodridge Subdivision and portions of the Poplar Estates Subdivision, in which recent sewer manhole inspections indicated a need for additional manhole rehabilitation.

Motion by Mr. Janda, seconded by Ms. Gibson, to approve Change Order No. 1 with CTR Coatings for the sewer manhole rehabilitation in the amount of \$65,000.00, increasing the contract amount from \$150,000.00 to \$215,000.00.

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

Approval of Warrant – Thornwood Planned Development – Sign Policy

The Thornwood Planned Development is within the T4 General Urban and T5 Urban Center Districts. The applicant is seeking approval of a sign policy that would govern signage for this project and set general standards and controls for all signs.

Motion by Mr. Owens, seconded by Ms. Gibson, to approve a warrant from Division 8 Signs to allow a sign policy for the Thornwood Planned Development.

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

Ordinance No. 2019-7 - Amendment to Subdivision Ordinance Chapter 17 – 60 Parkland Dedication – Second Reading and Public Hearing

The approval of these proposed amendments will make three specific changes to the existing ordinance: All new residential projects shall be required to contribute to parkland dedication, payment in-lieu of parkland dedication fees may be used for parks on a city-wide level and ordinance language shall be updated to reflect the existing process of the parks director reviewing preliminary design plans.

Mayor Palazzolo opened the public hearing.

Pauline Latham, 6958 Country Road, came forward to state her concern regarding fiscal impact fees and

transparency.

Mayor Palazzolo closed the public hearing.

Motion by Ms. Gibson, seconded by Mr. Janda, to approve on second reading Ordinance 2019-7, amendments to Section 17-60 (parkland dedication) of the Subdivision Ordinance in the Municipal Code.

Motion by Vice-Mayor Gibson, seconded by Alderman Janda, to amend the motion to include the following: In determining the amount of the fee to be charged the developer, the City will consider the distance from the new residential project to the newly acquired parkland, or to the existing parkland to be improved, and ensure that the developer is charged a fee that is roughly proportional to the anticipated usage of the parkland by the residents of the new project.

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

ROLL CALL: On original Motion by Ms. Gibson, seconded by Mr. Janda, to approve on second reading Ordinance 2019-7, amendments to Section 17-60 (parkland dedication) of the Subdivision Ordinance in the Municipal Code.

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

Ordinance No. 2019-8 - Amendment to the Vegetation Ordinance Chapter 22 – Tree Preservation and Planting Requirements - Second Reading and Public Hearing

The approval of these proposed amendments will make two specific changes to the existing tree preservation and planting ordinance as administered by the Design Review Commission. The changes are to establish the option of a payment in-lieu of tree dedication fee to a new City tree replacement, and maintenance of those trees, account and establish the option of a cap to the payment in-lieu of dedication fee.

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

Motion by Ms. Gibson, seconded by Mr. Sanders, to approve on second reading Ordinance 2019-8, amendments to Sections 22-107 and -108 (tree preservation and planting requirements) of the Vegetation Ordinance in the Municipal Code.

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

Ordinance No. 2019-9 - Amendments to Chapter 2, Article VI, Division 2 – Purchasing – Second Reading and Public Hearing

The Procurement Department works with all City departments to complete an annual review of current procurement policies, processes and procedures. This review considers the actual cost of delivering the required services, the existing methods of delivering services, and new laws, procedures and technology that can be used to enhance service delivery. The final step in this process is to adopt by resolution the City's Administrative Policies and Procedures for Procurement. Staff will present the resolution to the BMA for approval at the third and final reading.

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 Ordinance 2019-9 with the proposed amendments to modify Chapter 2, Article VI, Division 2 – Purchasing of the Germantown Code of Ordinances.

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

Change Order - GPAC Grove Outdoor Venue

Change Order 1 for stage column and pier modifications was reviewed and rejected by staff and the consultant, Archimania. Change Order 2 was staff approved on January 31, 2019 and involved the undercutting of 30 cubic yards of unsuitable soils in Area 2 in the amount of \$696.30. Change Order No. 3, consists of unsuitable soils in the area of the building pad. The contractor encountered unsuitable soils when clearing began on the north swale for the new rip rap installation in the wooded area. The clearing process required removal of unsuitable soils and replacement with more favorable imported material. A probe of the rip rap area in the woods estimates 278 cubic yards of undercutting for unsuitable soils. This change order will be brought before the Board in the near future.

Motion by Mr. Janda, seconded by Mr. Owens, to approve change of the construction contract for the GPAC Grove Outdoor Venue Change Orders increasing the contract amount by \$5,175.83 from \$3,950,043.84 to \$3,955,219.67; and to approve Budget Adjustment No.19-64.

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

Supplement No. 1 – FY19 On-call Professional Services Agreement – Kimley-Horn & Associates, Inc.

When the \$50,000.00 budget was set for the FY19 on-call contract, staff anticipated a work load consisting of five reviews of traffic impact analyses performed for proposed development projects, five speed study reviews, six plans reviews related to development proposals and twenty signal maintenance calls. In the first half of this year, there were three unanticipated items: Wolf River Blvd Corridor Study from Forest Hill-Irene to the eastern City limits, preparation of striping plans for street repaving program and preparation of transportation improvement program applications.

Motion by Mr. Sanders, seconded by Mr. Owens, to approve Supplement 1 in the amount of \$20,000.00, increasing the not-to-exceed amount to \$70,000.00 for the FY19 On-call Professional Services Agreement with Kimley-Horn & Associates, Inc.

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

Meeting adjourned.

Mike Palazzolo, Mayor

Michele Betty, City Clerk/Recorder