

BOARD OF MAYOR AND ALDERMEN

July 22, 2019

The regular meeting of the Board of Mayor and Aldermen was held on Monday, July 22, 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, Reynold Douglas, Jody Dwyer, Tony Fischer, Jason Huisman, Patrick Lawton, Mac McCarroll, Bo Mills, Lisa Piefer, Cameron Ross, Adrienne Royals, Emily Rozar, Andy Sanders, Dr. Charles Schulz, John Selberg and Steve Wilensky.

Call To Order

The Mayor called the meeting to order.

Invocation

Reynold Douglas led the invocation.

Pledge of Allegiance

Vice Mayor Gibson led the Pledge of Allegiance.

Set Agenda

During the executive session, the Board agreed to move #18 Warrant – TraVure Planned Development Sign Policy to #11b and change #11 Ordinance No. 2019-10 Rezoning of a 15.229 Acre Portion of the Fulmer Property (South Side of Wolf River Blvd.) from “R” Residential to “O” Office Zoning – Third and Final Reading to #11a; and move to the preliminary agenda #16 Purchase – Fencing Replacement and Repair – Drainage Lateral E.

Motion by Mr. Owens, seconded by Ms. Gibson, to approve the July 22, 2019 agenda as amended.

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

Approval of Minutes

Approval is requested of the minutes of the regular meeting held June 24, 2019.

Motion by Mr. Janda, seconded by Mr. Sanders, to approve the June 24, 2019 minutes as written.

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

Citizens to be Heard

No citizens came forward.

Beautification Commission Business Award

Staks Pancake Kitchen, located at 7680 Poplar Ave., is the recipient of the July Beautification Commission Business Award.

Alderman Liaison Reports

The Aldermen reported on their commission activities.

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

BEER BOARD

Public Hearing - Temporary Beer Permit - On-premise Application - Germantown Festival Association

The Germantown Festival Association is seeking a temporary beer permit to serve beer at the Germantown Festival on Saturday, September 7, 2019, from 9:30 a.m. to 6 p.m. and Sunday, September 8, 2019, from noon to 6 p.m.

The Mayor opened the floor for the public hearing. Having no one come forward, the Mayor closed the public hearing.

Motion by Ms. Gibson, seconded by Mr. Owens, to approve a temporary beer permit allowing the Germantown Festival Association to serve beer at the Germantown Festival on Saturday, September 7, and Sunday, September 8, 2019.

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

Public Hearing - Beer Permit - On-premise Application - Let It Fly, LLC

The City has received a request from Michael Lloyd Miller for a permit to sell beer for on-premise consumption at Let It Fly, located at 9091 Poplar Avenue, Suite 101.

The Mayor opened the floor for the public hearing. Having no one come forward, the Mayor closed the public hearing.

Motion by Mr. Owens, seconded by Mr. Janda, to approve the request of Michael Lloyd Miller for a permit to sell beer for on-premise consumption at Let It Fly, located at 9091 Poplar Avenue, Suite 101.

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

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

PRELIMINARY AGENDA

Agreement - Center for Applied Earth Science and Engineering Research (CAESER)

The CAESER is as an independent expert in the ground water area. Their mission is to engage in applied research to sustain ground water resources, conduct an inventory of potential contaminant source sites, locate production and observation wells and provide educational materials to City leaders and citizens concerning the aquifers' status. City staff relies on the expertise of CAESER to help us identify and react to threats to our water quantity and quality.

MOTION: To execute an agreement with the University of Memphis Center for Applied Earth Science and Engineering Research (CAESER) in the amount of \$45,000.00.

Appointment - Public Arts Commission

There is one vacancy on the Public Arts Commission.

MOTION: To appoint Patricia Sherman to the Public Arts Commission to complete the remainder of a one-year term, ending on December 31, 2019.

Appointments - Education Commission

There are three vacancies on the commission.

MOTION: To appoint Barbara Boyer, Shawn Lane and David Mars to the Education Commission to serve a one-year term, ending on June 30, 2020.

Contract Extension - Bulk Hot Mix Asphalt

Hot mix asphalt is used primarily for street maintenance repairs, temporary pothole repairs, utility cuts, parks and grounds trail repairs and storm water maintenance projects. This is the last of two additional twelve (12) month extension periods (at the City's option) that would extend from July 1 to June 30 of FY20-21.

MOTION: To authorize the Mayor to enter into the final year extension (at the City's option) with Standard Construction Company, Inc. for the purchase of 3,000 tons of 411D or 411E hot mix asphalt in the amount of \$141,900.00.

Contract Extensions and Amendments - Water Plant Chemicals

Water treatment chemicals are purchased as needed from local vendors for the purpose of providing quality potable water to the City of Germantown customers per State of Tennessee requirements. The City wishes to extend and amend the existing contracts for the purchase of the City's water treatment chemicals in the amount of \$26,560.00 from Harcros Chemicals, Inc., \$20,664.00 from Shannon Chemical Corporation, and \$19,320.00 from Ideal Chemical and Supply Company. The total expenditure for FY20 is \$66,544.00.

MOTION: To authorize the Mayor to extend the contract with Shannon Chemical Corporation in the amount of \$20,664.00; approve the second amendment to the contract to adjust pricing and extend the contract with Harcros Chemicals, Inc. in the amount of \$26,560.00; and approve the second amendment to the contract to adjust pricing and extend the contract with Ideal Chemical and Supply Company in the amount of \$19,320.00 for a total of \$66,544.00.

Purchase - Annual Fleet and Heavy Equipment Tires

As part of the Fleet Services maintenance program, tires are purchased as required to maintain a safe City fleet. The City has approximately 1,280 tires on the ground and is the most expensive maintenance item required in maintaining a fleet operation. In FY19, the City spent an estimated \$55,000.00 on new tires utilizing Tennessee SWC pricing. Tire replacements fluctuate from year-to-year and these totals could be lower or slightly higher than the estimated amount.

MOTION: To approve the purchase of new tires from Steepleton Tire Company in an estimated amount of \$55,000.00.

Purchase - Bulk Cement Treated Base Mix

Cement treated base mix is used primarily for street maintenance base repairs, utility cuts and storm water maintenance projects. Public Works crews pick up the amount required each day as needed at the vendor's distribution plant for immediate application.

MOTION: To approve the purchase of 3,000 tons of cement treated base mix in the amount of \$76,440.00 from Metro Materials Inc. and 500 tons from Lehman-Roberts Company in the amount of \$14,000.00 for a total amount of \$90,440.00.

Purchase - Bulk Crushed Aggregates

Crushed aggregates are primarily used for utility cuts and storm water maintenance projects and repairs. The vendor will deliver the bulk crushed aggregate material to the Germantown Public Works Complex for storage and use or to the worksite to provide an efficient and effective operation.

MOTION: To approve the purchase of 2,250 tons of crushed aggregates in the amount of \$47,250.00 from Fullen Dock & Warehouse.

Resolution 19R07 - 2019-20 Public Entity Partners Grant Programs Participation

The City is eligible to participate and submit applications for safety and property conservation grants offered by Public Entity Partners. The City is committed to providing a safe workplace for its employees. Each year, the City's Risk staff sends out requests to all departments for grant submissions. Once items are submitted, the City's Central Safety Committee reviews all submissions and provides a recommendation for which items can be funded based on available dollars and level of need. The City has been able to use these grant funds to purchase protective equipment as well as 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.

MOTION: To approve Resolution 19R07, authorizing the City to participate in the Public Entity Partners Matching Grant Programs for Safety Partners Loss Control, Driver Safety and Property Conservation for 2019-20.

Purchase - Fencing Replacement and Repair - Drainage Lateral E

In the early morning hours of June 7th, an intense storm impacted several areas of the City. The amount of rain that fell in this area over a short duration of time overwhelmed the City's infrastructure, causing up to four and a half feet of flooding to occur. Several areas of the chain-link fence along Lateral E were damaged or carried away by the flood waters.

MOTION: To approve the purchase of approximately 3,000 linear feet of chain-link fence for repair and replacement along Drainage Lateral E in the amount of \$81,285.67 due to damage caused by the June 7 flooding.

Motion by Mr. Janda, seconded by Mr. Sanders, to approve preliminary agenda as read.

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

REGULAR

Ordinance No. 2019-10 - Rezoning of a 15.229 Acre Portion of the Fulmer Property (South Side of Wolf River Blvd.) from "R" Residential to "O" Office Zoning - Third and Final Reading

The proposed rezoning site consists of only a portion of the full 190.62-acre parcel known as Fulmer Farms, which is owned by the Fulmer family. The family's home sites will continue to be located to the south of this newly rezoned office area and will remain in the R district. The rezoning request is due to the applicant's desire to replicate the development of the existing medical office complex located on the north side of Wolf River Blvd. The project site is located within the boundaries of the approved 2014 Medical District Traffic Study, in which the Land Use Scenario Map reflects that this area along Wolf River Blvd. could be redeveloped with office uses consistent with the existing uses east of the site.

Motion by Mr. Sanders, seconded by Mr. Owens, to approve on third reading Ordinance 2019-10, the rezoning of a 15.229-acre portion of the Fulmer Property (south side of Wolf River Blvd.) from "R" Residential to "O" Office zoning.

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

Warrant - TraVure Planned Development Sign Policy

The purpose of this agenda item is to consider one sign warrant associated with the TraVure Planned Development (PD). The property is within the T5 Urban Center Zoning District. Warrants are deviations from the requirements of the Smart Growth districts and, in this case of signs, must be approved by both the Design

Review Commission and the Board of Mayor and Aldermen. 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. However, the policy contains deviations (such as maximum sign area, letter height, location, sign type, etc.) from the Smart Code Sign Regulations that require the applicant to seek approval of a warrant for the policy as a whole.

Warrant Motion 1 by Mr. Janda, seconded by Mr. Owens, to approve a warrant from the Germantown Smart Code Division 8 (Signs) to allow a sign policy for the TraVure Planned Development.

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

Ordinance No. 2019-11 - Amendment to Fire Prevention Ordinance Chapter 10 – Second Reading and Public Hearing

Chapter 10 of the City Code of Ordinances contains the fire prevention code for the City. Article I contains specific requirements for Germantown and Article II contains the adopted standard fire prevention code and amendments. The City's fire code must be within seven years of the State of Tennessee adopted Fire Code to allow the City to be exempt from State inspections for occupancies with the exception of State owned buildings, educational occupancies, daycare centers, and occupancies requiring an inspection by the State Fire Marshal for initial licensure.

The Mayor opened the floor for the public hearing. Having no one come forward, the Mayor closed the public hearing.

Motion by Mr. Sanders, seconded by Mr. Janda, to approve on second reading Ordinance 2019-11, amendment to Chapter 10 of the Municipal Code, Germantown Fire Prevention Ordinance.

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

Ordinance No. 2019-12 - Amendment to Fire Prevention Ordinance Chapter 10 - Residential Sprinklers - Second Reading and Public Hearing

Chapter 10 of the City Code of Ordinances contains the fire prevention code for the City. Article I, Section 10-12, contains specific requirements for residential sprinkler systems. In accordance with Tennessee Code Annotated 68-120-101, the adoption of residential sprinkler requirements for one-family and two-family dwellings shall be adopted under separate ordinance. The City has had residential sprinkler requirements for one-family and two-family dwellings since May 14, 1990. This ordinance will update the existing residential sprinkler requirements.

The Mayor opened the floor for the public hearing.

David Clark, 2158 West Cumbernauld Circle, came forward to state his opposition to the amendment. Michael Stoll, 2546 Regents Walk, came forward to state he is in favor of the amendment.

The Mayor closed the public hearing.

Motion by Mr. Sanders, seconded by Ms. Gibson, to approve on second reading the amendment to the Fire Prevention Ordinance, Chapter 10 of the Municipal Code, Section 10-12, Residential Sprinkler Requirements for One-family and Two-family Dwellings.

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

Ordinance No. 2019-13 - Amendment to Subdivision Ordinance Chapter 17- Section 17-56 (Streets) - Second Reading and Public Hearing

An application for a subdivision text amendment was filed at the request of the Planning Commission to amend the language in the City Code. The approval of this proposed text amendment will make specific changes to the requirements for the minimum design standards for dead-end streets within new developments to align with the changes being made to the City's Fire Code.

The Mayor opened the floor for the public hearing.

Frank Uhlhorn, 8559 Dogwood Rd., came forward to express his opposition to the previous agenda item, Ordinance No. 2019-12 - Amendment to Fire Prevention Ordinance Chapter 10 - Residential Sprinklers. John Duke, 8995 Winston Woods Cir. S., came forward to express his opposition to the amendment.

The Mayor closed the public hearing.

Motion by Mr. Sanders, seconded by Ms. Gibson, to approve on second reading Ordinance 2019-13, amendment to Section 17-56 (Streets) of the Subdivision Ordinance in the Municipal Code.

Motion by Mr. Massey, seconded by Mr. Sanders, to postpone the vote on Ordinance No. 2019-13 until August 12 meeting of the Board.

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

Contract - Emergency Sanitary Sewer Repair

This emergency project is due to a 100 ft. portion of 36-inch sanitary sewer main deteriorating to the point of the top portion of the pipe collapsing and causing a sinkhole on July 3. An emergency situation was declared by the City Administrator on July 8. The scope of the project includes repair and stabilization of the existing sinkhole, bypass pumping of the existing sanitary sewer flow, removal of unsuitable soil and debris, removal of the existing collapsed pipe section, pipe bedding material, replacement of the existing pipe section, and cured-in-place lining of the new pipe for sewer use. The work also includes: backfilling, compacting and dressing up the work area up to pre-existing conditions prior to the sinkhole occurrence.

Motion by Ms. Gibson, seconded by Mr. Janda, to approve a contract with White Construction and Associates for the emergency repair of the 36-inch sanitary sewer main and soil stabilization of the area leading to the Kimbrough Road Lift Station in the amount of \$287,800.00, the cost of bypass pumping with Xylem, LLC in the amount of \$5,708.20, and the cost of lining the new sewer pipe with Insituform Technologies, LLC in the amount of \$91,400.00 for a total amount of \$384,908.20.

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

Reimbursement Payment No. 4 - GMSD Riverdale Boiler/Chiller Renovation Project

This is the fourth and final reimbursement request from GMSD for the Riverdale Boiler/Chiller Renovation Project. The project scope 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. With the approval of this requested amount of \$1,500,000.00 in FY20, the City will have met its total budgeted commitment towards the Riverdale boiler/chiller renovation project.

Motion by Ms. Gibson, seconded by Mr. Janda, to approve reimbursement payment No. 4 in the amount of \$1,500,000.00 to the Germantown Municipal School District for expenses pertaining to the Riverdale

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Boiler/Chiller Renovation Project.

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

Meeting adjourned.

Mike Palazzolo, Mayor

Michele Betty, City Clerk/Recorder