

**BOARD OF MAYOR AND ALDERMEN**  
**September 23, 2019**

The regular meeting of the Board of Mayor and Aldermen was held on Monday, September 23, 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: Tim Bierdz, Michele Betty, Paul Chandler, Reynold Douglas, Tony Fischer, Tim Gwaltney, Richard Hall, Jason Huisman, Daniel Page, Lisa Piefer, Lisa Marinos, Bo Mills, Cameron Ross, Adrienne Royals, Emily Rozar, Dr. Charles Schulz, John Selberg and Steve Wilensky.

**Call To Order**

The Mayor called the meeting to order.

**Invocation**

Bo Mills led the invocation.

**Pledge of Allegiance**

Alderman Owens led the Pledge of Allegiance.

**Set Agenda**

The Board is asked to set the agenda for the meeting. Any changes to the agenda must be set before the meeting.

Motion by Mr. Janda, seconded by Ms. Gibson, to move to the preliminary agenda Item 12 - Change Order No. 1 Emergency Sanitary Sewer Inspection Services, Item 13 – Change Order No. 1 – Emergency Sanitary Sewer Manhole Lining Services and Item 15 – Professional Services Agreement Supplement No. 3 – City-wide Master Drainage Plan and Infrastructure Inventory Phase 4.

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

Motion by Mr. Massey, seconded by Mr. Sanders, to remove from the agenda Item 16 – Resolution 19R09 – Cybersecurity Censureship.

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

Motion by Mr. Janda, seconded by Mr. Owens, to approve the September 23, 2019 agenda as amended.

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

**Approval of Minutes**

Approval is requested of the minutes of the regular meeting held September 9, 2019.

Motion by Mr. Sanders, seconded by Mr. Janda, to approve the September 9, 2019 minutes as amended.

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

**Citizens to be Heard**

The following citizens came forward regarding the Cybersecurity Censureship Resolution:

Sarah Freeman, 7684 Apahon Ln.  
Christine Massey, 7915 Nikerton Dr.  
Dean Massey, 7915 Nikerton Dr.  
John Barzizza, 2827 Brownleaf Cv.

Vicki O'Brien, 7253 Creathwood Cv.  
Marlene Strube, 7642 Foster Ridge Rd.  
Ronald Carpenter, 7954 Neshoba Rd.  
Alys Drake, 7074 Manor Woods Ct.

John Peyton, 1705 Old Mill Rd.  
Jason Sharp, 7214 Creathwood Cv.

Sandy Davis, 2857 Old Elm Ln.  
Brian Ueleke, 9174 Greenbrier Cv.

**Special Recognition**

**Beautification Commission Business Award**

Independent Bank, located at 7635 Poplar Avenue, is the recipient of the September Beautification Commission Business Award.

**Proclamation – Friends of the Germantown Community Library Week**

The Mayor proclaimed October 20 through 26, 2019 as Friends of the Germantown Community Library Week in Germantown.

**Alderman Liaison Reports**

The Aldermen reported on their commission activities.

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

**BEER BOARD - Public Hearings**

**Beer Permit – On-premise Application – Kohesian Restaurant**

The City has received a request from A2H2 Corporation for a permit to sell beer for on-premise consumption at Kohesian Restaurant, located at 1730 S. Germantown Road, Suite 115.

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 A2H2 Corporation for a permit to sell beer for on-premise consumption at Kohesian Restaurant, located at 1730 S. Germantown Road, Suite 115.

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

**Beer Permit – On-premise Application – Moondance Grill Restaurant**

The City has received a request from Moondance – Thornwood, LLC for a permit to sell beer for on-premise consumption at Moondance Grill, located at 1730 S. Germantown Rd., Ste. 116.

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. Janda, to approve the request of Moondance – Thornwood, LLC for a permit to sell beer for on-premise consumption at Moondance Grill, located at 1730 S. Germantown Rd., Ste. 116.

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

**Temporary Beer Permit – On-premise Application - RISE Foundation, Inc.**

The RISE Foundation, Inc. is seeking a temporary beer permit to serve beer at their gala fundraiser at the Great Hall & Conference Center on Thursday, September 26, 2019, from 7 to 11 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 RISE Foundation, Inc. to serve beer at the Annual RISE Evening of Change gala fundraiser to be held at the Great Hall & Conference Center, Thursday, September 26, 2019, between the hours of 7 p.m. and 11 p.m.

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

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

**PRELIMINARY AGENDA**

**Right-of-Way Acquisition - Tract 15 – Forest Hill – Irene Road Improvements**

The City is in the construction phase of the Forest Hill-Irene Road Improvements project which includes widening of the existing two lane rural cross section roadway to four lanes with a raised median/turn lane. The property owners were agreeable to right-of-entry and acquisition agreements.

MOTION: To approve the acquisition of real estate and/or easements from Mrs. Miriam Fearnley, Miriam Fearnley Revocable Living Trust for the total lump sum amount of \$10,000.00 for Tract 15 in accordance with the terms of the Purchase Agreement and authorize the disbursement of the purchase price to the seller and of other sums required of the City under the Purchase Agreement or otherwise to effectuate the purposes of the Purchase Agreement.

**Right-of-Way Acquisition - Tract 31 - Forest Hill-Irene Road Improvements**

The City is in the construction phase of the Forest Hill-Irene Road Improvements project which includes widening of the existing two lane rural cross section roadway to four lanes with a raised median/turn lane. The property owners were agreeable to right-of-entry and acquisition agreements.

MOTION: To approve the acquisition of real estate and/or easements from Margaret Gore and Peter Baskind for the total lump sum amount of \$30,000.00 for Tract 31 in accordance with the terms of the Purchase Agreement and authorize the disbursement of the purchase price to the seller and of other sums required of the City under the Purchase Agreement or otherwise to effectuate the purposes of the Purchase Agreement.

**Change Order No. 1 – Emergency Sanitary Sewer Inspection Services**

Public Works staff was notified of another small sinkhole at the southwest corner of the intersection of Kimbrough Road and Farmingdale Drive on the same 36-inch sewer pipe on August 6, 2019. The City is actively working with our attorneys to pursue reimbursement from the City of Memphis for all of the costs associated with this emergency project.

MOTION: To formally approve Change Order No. 1 with Insituform Technologies, Inc. for the inspection and filming of approximately 501 linear feet of the 36-inch sanitary sewer main that conveys sewage to the Kimbrough Lift Station in the amount of \$10,514.00, increasing the contract amount from \$91,400.00 to \$101,914.00.

**Change Order No. 1 – Emergency Sanitary Sewer Manhole Lining Services**

On September 6, 2019, Insituform performed the filming and inspection of the approximately 501 linear foot section of 36-inch sewer pipe. The inspection revealed that the sinkhole was actually a sewer manhole that had been covered up by sediment and sod. This manhole had deteriorated and was leaking, thereby resulting in a small sinkhole.

MOTION: To approve Change Order No. 1 with CTR Coatings, LLC. for the lining of a sewer manhole in conjunction with the emergency sanitary sewer project in the amount of \$10,500.00 increasing the contract amount from \$25,000.00 to \$35,500.00.

**Professional Services Agreement Supplement No. 3 – City-Wide Master Drainage Plan and Infrastructure Inventory Phase 4**

The City has a permit with the TN Department of Environment and Conservation to discharge its stormwater runoff into waters of the state. In order to be in compliance with the permit, the City must have an accurate and complete inventory and condition of its stormwater infrastructure, a searchable database for tracking complaints, notices of violations, illicit discharges, actions taken and closeout.

MOTION: To approve Supplement No. 3 of a professional Services Agreement for engineering services with Barge Design Solution in an amount not to exceed \$150,000.00 for the City-Wide Master Drainage Plan and Infrastructure Inventory Phase 4.

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

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

**REGULAR**  
**Warrant - Bank America**

This site was originally occupied by Germantown Liquor Store, constructed in 1970, and CK Coffee. On July 10, 2012, Planning Commission approved the preliminary and final site plan, along with four warrants necessary for a new Verizon store. On August 13, 2012, the Board of Mayor and Aldermen approved development contract 1178 with the associated warrants for the Verizon building, which was then constructed in 2013. The proposed project would repurpose the existing, vacant building for a new Bank of America branch. the Planning Commission recommended approval of the proposed revised final site plan for Bank of America, including one associated warrant for an ATM drive through facility.

Motion by Mr. Owens, seconded by Mr. Janda, to approve a warrant to allow a bank with a drive-through facility at the existing building on the subject property at 7665 Poplar Avenue.

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

**Contract – Asphalt Milling and Paving**

The Public Works Department implemented a proactive preventive street maintenance analysis program that was established over 29 years ago to annually evaluate and schedule the candidate streets throughout the City for milling and/or pavement resurfacing. The plan is to resurface approximately ten miles of roadways annually.

Motion by Mr. Janda, seconded by Ms. Gibson, to approve a contract with Standard Construction Co., Inc. for the annual FY20 asphalt milling and paving program per the unit prices provided in an amount not to exceed \$2,200,000.00.

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

**Resolution – 19R09 – Cybersecurity Censureship**

Alderman Janda distributed to the Board of Mayor and Aldermen a copy of this resolution during the meeting.

Motion by Mr. Janda, seconded by Mr. Owens, to censure Alderman Massey utilizing Resolution 19R09.

Motion by Mr. Owens, seconded by Ms. Gibson, to amend the original motion to require that Alderman Massey, Position 3, complete the cyber training by October 7, 2019.

Motion by Mr. Massey to amend the amendment was later withdrawn by general consent.

Motion by Mr. Massey, seconded by Mr. Janda, to suspend the rules to allow open discussion.

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

ROLL CALL On original motion by Mr. Janda, seconded by Mr. Owens, to censure Alderman Massey utilizing Resolution 19R09.

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

Meeting adjourned.

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Mike Palazzolo, Mayor

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Michele Betty, City Clerk/Recorder