

BOARD OF MAYOR AND ALDERMEN

December 9, 2019

The regular meeting of the Board of Mayor and Aldermen was held on Monday, December 9, 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, Michele Betty, Taylor Cates, Reynold Douglas, Tony Fischer, Tim Gwaltney, Richard Hall, Jason Huisman, Patrick Lawton, Mac McCarroll, Bo Mills, Lisa Piefer, Cameron Ross, 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

Cub Scout Pack 271 Weblo II Den of St. George's Independent School led the Pledge of Allegiance.

Set Agenda

The Board is asked to set the agenda for the meeting.

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

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 November 25, 2019.

Motion by Mr. Janda, seconded by Mr. Sanders, to approve the minutes of the Board of Mayor and Aldermen regular meeting held November 25, 2019.

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

Citizens to be Heard

Pauline Latham, 6958 Country Road, came forward to address the Board regarding Carrefour.

Sandy Davis, 2857 Old Elm Lane, came forward to address the Board regarding apartments and Baldrige Award.

Special Recognition

Donation - Muscular Dystrophy Association

In 2019, the Germantown Fire Fighters began a re-energized fundraising campaign for the Muscular Dystrophy Association (MDA) with the help of the local MDA Ambassador Hannah Warren, who is from Germantown. A check for \$11,500.00 was presented to Ms. Warren and Laura Lutrick, Executive Director for Western TN MDA.

Germantown Education Commission Teacher of the Month – December 2019

Laura Beth Knight, a teacher at Riverdale School, is the December 2019 Teacher of the Month award winner.

Alderman Liaison Reports

The Aldermen reported on their commission activities.

PRELIMINARY AGENDA

Amendment - Enterprise Software Upgrade for Public Safety Computer Aided Dispatch

Funding in this request will upgrade existing Aegis MSP software for CAD to Enterprise CAD software to aid Communications staff when dispatching emergency personnel.

MOTION: To authorize an amendment to the City's existing Agreement with Tyler Technologies for an upgrade to the Public Safety Computer Aided Dispatch system in an amount not to exceed \$123,690.00.

Purchase - Enterprise Hardware Upgrade for Public Safety Computer Aided Dispatch

This project will replace servers used for the Public Safety CAD system with current technology and move toward established 5-7 year department infrastructure replacement standards.

MOTION: To authorize the purchase of hardware and operating system licensing for an upgrade to the Public Safety Computer Aided Dispatch (CAD) system from CDW Government in the amount of \$127,377.66 and declare replaced equipment as surplus.

Budget Adjustment – Germantown Athletic Club Phase IV Renovations

The budgeted amount of \$75,000.00 in IR2045 (Skylight repairs) was insufficient to complete this project in this fiscal year, therefore the project has been tabled. A portion of the FY20 funds in IR2045 has been used to develop a set of plans to better improve the exterior appeal of the skylights and mitigate some of the issues in the current skylight design until this IRP project can be resubmitted for future consideration. Any remaining balance that is not used towards the completion of GC1901 will be added to the fund balance of the Germantown Athletic Club Fund.

MOTION: To approve Budget Adjustment No. 20-39.

Competitive Sealed Proposal Authorization – Community and Employee Survey Provider

The City's procurement policies and practices require the use of competitive sealed bids for the purchase of most goods and services. In some cases, the competitive sealed bid process may be either impracticable or not otherwise advantageous to the City due to the complexity of certain technological products or the unique nature of certain services. In such cases, the Board may authorize the use of the competitive sealed proposal process. These cases include projects where qualifications, experience, or competence are considered more important than just the price in the overall process. Likewise, if there is more than one solution to meet the bid requirements, a competitive sealed proposal may be used to select the best overall solution by taking into account the variety of factors. Finally, if there is no readily identifiable (or defined) solution for a proposed project, the competitive sealed proposal will allow the submittal of vendor or supplier solutions that may not have been fully considered by City staff.

MOTION: To authorize the City to use the competitive sealed proposal process to identify and select a survey provider for the citizen survey and employee survey.

PEG Disbursement to GMSD – 1st Quarter

The City receives Public, Education and Government (PEG) funding from Comcast and AT&T based upon the number of subscribers on a quarterly basis. The funds are redirected to the PEG designated station by the City to the Germantown Municipal Television Station. The funds from the first quarter of fiscal year 2020 are from July 1, 2019 through Sept 30, 2019. The documentation is to be maintained by GMSD for all capital purchases for the PEG station. These funds will ensure that quality equipment will be purchased and used by the students.

MOTION: To authorize the disbursement of PEG funding collected by the City to Germantown Municipal School District in the amount of \$40,827.05.

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

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

REGULAR

Public Hearing - Resolution 19R10 - Carrefour at the Gateway Planned Development Revised Outline Plan

The property was rezoned from the SC-1 Shopping Center and C-2 Commercial District to the T5 Urban Center and T6 Urban Core Districts as part of the Germantown Western Gateway Plan rezoning in November 2014. The Planning Commission reviewed and recommended approval of the Outline Plan on October 2, 2018, with the Board of Mayor and Aldermen approving it on November 26, 2018. A revised Outline Plan was reviewed and approved by the Planning Commission on November 5, 2019. The applicant, Henry Cannon, now seeks to amend the previously approved Outline Plan by revising the uses of this planned development to allow the addition of multi-family (320 units) as a permitted use within the boundaries of this project. The previously approved Outline Plan considered only office, retail, and commercial uses. Per Sec. 23-763 of the Municipal Code, the T5 and T6 Districts allow a mixture of uses including residential, retail, commercial, and office.

The Mayor opened the floor for the public hearing. The following citizens came forward to be heard:
Toni Nygren, 1824 Johnson Road, Samuel Andereck, 7946 Ashbrook Cove, Sandy Davis, 2857 Old Elm Lane and Pauline Lathram, 6958 Country Road.

The Mayor closed the public hearing.

Motion by Mr. Massey, seconded by Mr. Sanders, to recess the meeting to allow staff to research the name of the applicant when the Western Gateway was rezoned in 2014.

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

Following a ten minute recess, the Mayor reconvened the meeting. The City of Germantown was the applicant in 2014.

Motion by Mr. Massey, seconded by Mr. Sanders, to have the Board request a formal, written, legal opinion from the City Attorney and Burch Porter and Johnson to determine whether or not the City legally rezoned the Western Gateway and other Smart Growth nodes.

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

Motion by Mr. Owens, seconded by Mr. Janda, to approve Resolution 19R10 for the Carrefour at the Gateway Planned Development Revised Outline Plan.

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

Approval of Americans with Disabilities Act (ADA Transition Plan)

Per state and federal guidelines, the City must complete this ADA Plan. The City has verified with the state that it can be completed in two phases. For Phase I, the ADA Self-Evaluation and Transition Plan estimates the cost to address the deficiencies to be approximately \$11,000,000.00 in 2019 dollars. The Transition Plan recommends completion over the next 25 years. Phase II will be completed by second quarter of FY21 and will identify additional needs in the CIP and General Fund operations. This information will be submitted to the BMA in the final update of the plan and budgets adjusted accordingly to maintain compliance.

Motion by Mr. Sanders, seconded by Mr. Janda, to approve the City of Germantown's ADA Transition Plan – Phase 1.

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

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

BEER BOARD HEARINGS

Suspension/Revocation of Beer License – Circle K – 9113 Winchester Road

On September 17, 2019, the Shelby County Sheriff's Office conducted an undercover sting investigation of beer permit holders in Shelby County. On that date, a 20-year old cooperating individual (CI), working with the Sheriff's Office, entered Circle K Store and purchased beer from the cashier. The cashier did check the identification of the CI before selling the beer. Officer M. Dixon did witness the transaction. The cashier was issued a misdemeanor citation for selling beer to a minor.

Motion by Ms. Gibson, seconded by Mr. Janda, to find Circle K Store, located at 9113 Winchester Road, guilty of a violation of the Germantown Beer Ordinance regarding selling beer to a minor.

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

Motion by Mr. Sanders, seconded by Mr. Janda, to fine Circle K, located at 9113 Winchester Road, a \$1,500.00 civil penalty in lieu of suspension of beer permit.

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

Suspension/Revocation of Beer License – Shell Food Mart – 9095 Poplar Avenue

On September 17, 2019, the Shelby County Sheriff's Office conducted an undercover sting investigation of beer permit holders in Shelby County. On that date, a 20-year old cooperating individual (CI), working with the Sheriff's Office, was sold beer by the defendant. The defendant did check the CI's identification. Officer M. Roman did witness the transaction and issued the defendant a misdemeanor citation.

Motion by Mr. Janda, seconded by Ms. Gibson, to find Shell Food Mart, located at 9095 Poplar Avenue, guilty of a violation of the Germantown Beer Ordinance regarding selling beer to a minor.

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

Motion by Mr. Janda, seconded by Ms. Gibson, to fine Shell Food Mart, located at 9095 Poplar Avenue, a \$1,500.00 civil penalty in lieu of suspension of beer permit.

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

Meeting adjourned.

Mike Palazzolo, Mayor

Michele Betty, City Clerk/Recorder