

BOARD OF MAYOR AND ALDERMEN

September 14, 2020

The regular meeting of the Board of Mayor and Aldermen was held on Monday, September 14, 2020, at 6 p.m. via live streaming. Meeting electronically was necessary to protect public health, safety and welfare in light of the COVID-19 pandemic.

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, Justin Duncan, Tony Fischer, Richard Hall, Jason Huisman, Patrick Lawton, Mac McCarroll, Bo Mills, Lisa Piefer, Cameron Ross, Adrienne Royals, John Selberg and Steve Wilensky.

Call To Order

The Mayor called the meeting to order.

Invocation

The invocation was led by Patrick Lawton.

Statement from Mayor Palazzolo

All local governing bodies in the State of Tennessee have been impacted by the COVID-19 pandemic. Germantown is no exception. In an effort to carry out its governance and operational responsibilities lawfully, and effectively, while also considering the protection of public health, safety and welfare, the Germantown City Administration has taken steps to conduct Board of Mayor and Aldermen and other public meetings electronically. These actions were taken in response to Governor Bill Lee's Executive Order No. 60, an order extending Executive Order No. 16, previously extended by Executive Order No. 34, previously extended by Executive Order No. 51, which suspended the requirements of the Tennessee Open Meetings Act to the extent necessary to allow governing bodies subject to the act to meet and conduct essential business by electronic means.

The Germantown Board of Mayor and Aldermen has determined that meeting electronically is necessary to protect the health, safety and welfare of its citizens in light of the COVID-19 pandemic. Further, notice of such electronic meetings has been, and will continue to be, published in the same manner as is currently used for regular meetings. The public is also, and will continue to be, able to view the agenda and have live access to the actual meetings by electronic means, by logging in to Germantown's web site, and by clicking the appropriate link. Video recordings of the meetings will be made available as soon as practicable after each meeting on the City's website at www.germantown-tn.gov.

These measures are temporary, and are due to expire on October 28, 2020, unless further action is taken by Governor Lee.

Set Agenda

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

Motion by Mr. Massey, seconded by Mr. Sanders, to move to the regular agenda Item 8e, Professional Services Agreement Extension – FY21 On-Call Engineering Services.

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

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

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

Approval of Minutes

Approval was requested of the minutes of the regular meeting held August 24, 2020.

Motion by Mr. Janda, seconded by Mr. Sanders, to approve the minutes of the Board of Mayor and Aldermen regular meeting held August 24, 2020 as corrected.

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

Special Recognition - Proclamation - Suicide Prevention

The Mayor proclaimed September 2020 as Suicide Prevention Awareness Month in Germantown.

Citizens to be Heard

Steve Farmer, 2241 Birchton Drive, came forward regarding increase in water bills for July and August.

George Hernandez, 9225 Enclave Green Lane E., came forward regarding legal fees incurred by Shelby County Election Commission to defend the lawsuit filed by John Barzizza.

PRELIMINARY AGENDA

Annual Funding for Houston High School Field House

On October 8, 2018, the BMA approved an MOU between the City and the Germantown Municipal School Board of Education (GMSBE) outlining the conditions under which the City would make a financial contribution for projects benefiting the arts and/or athletics programs at Houston High School. The City has partnered with the Houston High School Athletic and Arts Foundation (HHSAAF), and a number of private donors to provide the necessary funding to commence with the construction of a field house adjacent to the football field. HHSAAF secured a \$3.5 million loan through First Tennessee Bank and began construction on the field house. Both the City and GMSBE have committed to contributing \$200,000.00 annually over a five-year period to assist HHSAAF with the debt service through 2025, when the loan matures.

MOTION: To approve the annual funding amount of \$200,000.00 to the Germantown Municipal School Board of Education for the cost of constructing a new field house on the campus of Houston High School.

Change Order No. 1 - Computers and Equipment

On July 30, 2020, the City purchased computers and associated equipment for staff working from home that totaled \$22,937.76, per the City Administrator's approval level. This proposed change order to the original purchase will provide additional computers and associated equipment to be used by staff working from home. New equipment will be replacing a desktop computer with a laptop making it easier for employees that work from home yet are required to be in the office for limited periods of time. Both purchases will be fully funded with CARES Act dollars.

MOTION: To approve Change Order No.1 for the purchase of computers and associated equipment in the amount of \$48,153.79 from CDW Government, and declare the replaced computers as surplus.

Donations - Germantown Community Library

The Friends of the Germantown Community Library made a \$1,400.00 donation to the Library.

MOTION: To approve donations to the Germantown Community Library in the amount of \$1,400.00 and to approve Budget Adjustment No. 21-1.

GMSD School Security Improvements – Dogwood

The FY21 CIP budget includes \$500,000.00 for Germantown Municipal School District (GMSD) school security

improvements. The installation of additional security improvements at the entrance way of Dogwood Elementary School was identified by GMSD staff. On April, 20, 2020, the GMSD approved a contract with Grinder Taber Grinder for ADA improvements at Dogwood Elementary School. Alternate #1 of the contract included security improvements to the entrance way.

MOTION: To approve reimbursement in the amount of \$500,000.00 to the Germantown Municipal School District for school security improvements.

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

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

REGULAR

Ordinance 2020-7 - Rezoning of a Single Parcel from “R-3” Two-Family Residential to “OG” Old Germantown – Second Reading and Public Hearing

The single-family house, located at 7708 Poplar Pike, was built in 1958. It is bordered to the north by railroad tracks; to the west by a single family home and to the south and east by offices, which are all zoned “OG.” The applicant wishes to improve the property for office use similar to what has occurred with the conversion of other residential structures in the immediate vicinity. Under the current “R-3” zoning designation, office is not an allowable use. Per Sec. 23-517 of the Zoning Ordinance, the “OG” zoning district does permit office uses. In addition to rezoning the property, the applicant must submit a Change of Use application to the Planning Division for approval to use the existing structure as an office. The Planning Commission recommended approval of this rezoning on July 7, 2020.

Mayor Palazzolo opened the floor for the public hearing. Seeing no one come forward, Mayor Palazzolo closed the public hearing.

Motion by Mr. Owens, seconded by Mr. Janda, to approve Ordinance 2020-7 on second reading, the rezoning of a single parcel of property located at 7708 Poplar Pike from the “R-3” Two-Family Residential to the “OG” Old Germantown.

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

Shelby County Election Commission Payment

Following the November 2018 municipal election, former Alderman John Barzizza filed suit against the Shelby County Election Commission claiming that election ballots were improperly counted. At the time of the suit, John Barzizza was no longer a City of Germantown official. The Election Commission hired the law firm of Harris/Shelton to defend against the lawsuit. The Election Commission incurred expenses totaling \$18,246.26 during the period of January to September 2019. On March 16, 2020, the Administrator of Elections for the Shelby County Election Commission sent a letter to the City requesting payment for the attorney fees in the amount of \$19,351.26. Since that time the Election Commission sent a revised invoice for attorney fees incurred by the Barzizza lawsuit in the amount of \$18,246.26.

Motion by Mr. Janda, seconded by Ms. Gibson, to substitute the motion to authorize the City Attorney to submit an invoice to collect \$18,246.26 for legal bills to private resident John Barzizza and remit collected fees to the Shelby County Election Commission.

Point of Information by Alderman Janda: Attorney McCarroll previously stated the City should select the legal firm. In response to Point of Information: Attorney McCarroll was not as familiar with the entire statute as he is now. The Election Commission selects the legal firm.

Point of Information by Alderman Massey: There are certain parameters in which a challenge to the Election Commission can be made.

Point of Inquiry by Alderman Massey: Restate the motion before the Board. Mayor Palazzolo restated the substitute motion is to authorize the City Attorney to submit an invoice to collect \$18,246.26 for legal bills to private resident John Barzizza and remit collected fees to the Shelby County Election Commission.

ROLL CALL: For Motion by Mr. Janda, seconded by Ms. Gibson, to substitute the motion to authorize the City Attorney to submit an invoice to collect \$18,246.26 for legal bills to private resident John Barzizza and remit collected fees to the Shelby County Election Commission.

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

Professional Services Agreement Extension – FY21 On-Call Engineering Services

The City's Engineering Division consists of two full-time Professional Engineers and one full-time Engineer-in-Training. This staff of three engineers manages on a yearly average 15 Capital Improvement Projects either in the design or construction phase and 10 private developments. In an effort to supplement staff's efforts, the City has been using an outside engineering firm for on-call engineering services since 2006.

Motion by Mr. Janda, seconded by Mr. Owens, to authorize the Mayor to extend through FY21 the Professional Services Agreement for On-call Engineering Services with Kimley-Horn & Associates, Inc. in an amount not to exceed \$65,000.00.

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

Meeting adjourned.

Mike Palazzolo, Mayor

Michele Betty, City Clerk/Recorder