

BOARD OF MAYOR AND ALDERMEN

November 9, 2020

The regular meeting of the Board of Mayor and Aldermen was held on Monday, November 9, 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, Reynold Douglas, Tony Fischer, Tim Gwaltney, Jason Huisman, Patrick Lawton, Mac McCarroll, Bo Mills, Lisa Piefer, Phil Rogers, 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 Bo Mills.

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. 65, an order extending Executive Order Nos. 16, 34, 51 and 60, 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 public will be able to view the video recording of the Board of Mayor and Aldermen virtual meeting within 48 hours of the meeting and are directed to go to the City's website at www.germantown-tn.gov.

These measures are temporary, and are due to expire on December 27, 2020, unless further action is taken by Governor Lee.

Establishment of Necessity to Conduct the November 9, 2020 Board of Mayor and Aldermen Meeting Electronically

The provisions of Executive Order No. 65 require that the members of the governing body must make a determination at the outset of the meeting, by vote or otherwise, that conducting the meeting by electronic means is necessary to protect the public health, safety, and welfare of Tennesseans in light of the COVID-19 outbreak.

Motion by Mr. Janda, seconded by Ms. Gibson, to conduct the meeting by electronic means to protect the public health, safety, and welfare of Tennesseans in light of the COVID-19 outbreak.

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

Set Agenda

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

Motion by Mr. Janda, seconded by Mr. Owens, to move to the preliminary agenda item #12 Project Closeout and Change Order No. 4 – Forest Hill-Irene Road Improvements.

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

Motion by Mr. Sanders, seconded by Mr. Massey, to move to the preliminary agenda item #11 Payment – Shelby County Election Commission.

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

Motion by Mr. Janda, seconded by Mr. Owens, to approve the November 9, 2020 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 October 26, 2020.

Motion by Mr. Sanders, seconded by Mr. Janda, to approve the minutes of the Board of Mayor and Aldermen regular meeting held October 26, 2020.

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

Citizens to be Heard

Michael Schmidt, 1555 Miller Farms, came forward to support for mask wearing to help reduce the spread of COVID-19.

Susan Threlkeld, 7861 Lennox Cove, came forward to oppose use of tax dollars to pay a private resident's legal fees.

Steve Priddy, 8755 Gumleaf Cove, came forward to express his appreciation for the eight years Alderman Janda and Alderman Owens served the community.

Point of Information by Alderman Sanders: Where did the email from Mr. Priddy go? The City Clerk stated the email was sent directly to her email address and, due to it being addressed to Citizens to be Heard, the email was added to the November 9 Citizens to be Heard folder on the City website.

Proclamation – Pancreatic Cancer Awareness Day

Mayor Palazzolo proclaimed November 19, 2020 as Pancreatic Cancer Awareness Day in Germantown.

PRELIMINARY AGENDA

Civic Support – Germantown Education Foundation

The Foundation supports public schools in the Germantown Municipal School District. The fiscal year 2021 budget includes \$75,000.00 intended to support the activities of the Germantown Education Foundation. Action by the Board of Mayor and Aldermen is necessary to transfer these funds to the Foundation.

MOTION: To approve a grant in the amount of \$75,000.00 to the Germantown Education Foundation.

Purchase – Cues Sewer Inspection System

Sewer Mainline Trailer Mounted Inspection System Unit 9161 has exceeded its dependable life cycle. The Utility department utilizes this system to provide camera inspection of sewer mains to identify clogs that can cause sewer backups to occur.

MOTION: To approve the purchase of the Multi-conductor Trailer Sewer Inspection System from Cues, Inc. in the amount of \$148,850.21 and declare unit 9161, a 2008 Sewer Mainline Trailer Mounted Inspection

System, as surplus property.

Purchase – Vehicles

The vehicles that are being replaced have exceeded their dependable life cycle. The Police and Public Services Departments will be the user departments for these replacement vehicles.

MOTION: To approve the purchase of two new vehicles from Ford of Murfreesboro in the amount of \$70,862.00, three new vehicles from Wilson County Motors in the amount of \$63,585.24, and one vehicle from National Auto Fleet Group in the amount of \$65,928.30; and to declare units 425, 869, 3077, 3109, and 3115 as surplus property.

Project Closeout and Change Order No. 4 - Forest Hill-Irene Road Improvements

The Forest Hill Irene Road Improvements Change Order No. 4 involves adding three items to the contract related to retaining walls, finalizing construction overrun/under-run amounts, and extending the construction timeline to August 1, 2020.

MOTION: To approve Change Order No. 4 in the amount of \$451,146.59 for the Forest Hill-Irene Improvements project, increasing the Construction Contract with Acuff Enterprises dba Scott Contractors from \$6,172,721.48 to \$6,623,868.07.

Payment - Shelby County Election Commission

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 Memphis law firm of Harris/Shelton to defend against the lawsuit filed by Mr. Barzizza. The Election Commission incurred expenses totaling \$18,246.26 during the period 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 incurred as a result of the lawsuit in the amount of \$19,351.26. The Election Commission sent a revised invoice in the amount of \$18,246.26. Shortly after the Board of Mayor and Aldermen's decision to send the invoice to Mr. Barzizza for payment, an attorney representing Mr. Barzizza contacted the City Attorney and stated his client was not responsible for the payment. No further action has been taken.

MOTION: To authorize payment in the amount of \$18,246.26 to the Shelby County Election Commission for attorney fees resulting from the John Barzizza lawsuit.

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

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

REGULAR

Resolution 20R08 - Wilder Planned Unit Development (PUD) Outline Plan – Public Hearing

The Wilder Planned Unit Development (PUD) is to be a two-phase, single-family residential development, which will consist of 72 lots. The project site is zoned "R" Low-Density Single-Family residential, which requires a minimum lot size of 15,000 s.f., a minimum lot width of 100 feet, front yard setbacks of 40 feet, rear yard setbacks of 25 feet and side yard setbacks of 10 feet, as outlined in Sec. 23 Div. 6 of the City of Germantown Zoning Ordinance. In accordance with Sec. 23 Div. 19, the applicant is proposing a PUD in order to have varying lot sizes, lot width and setbacks.

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

Motion by Mr. Owens, seconded by Ms. Gibson, to approve Resolution 20R08 for the Wilder Planned Unit Development (PUD) Outline Plan.

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

Resolution 20R10 - Neshoba Farms Planned Unit Development (PUD) Outline Plan – Public Hearing

The Neshoba Farms PUD is to be a single phase, single-family residential development, which will consist of 18 lots within an older area of Germantown. The project site is zoned “R” Low-Density Single-Family residential, which requires a minimum lot size of 15,000 s.f., a minimum lot width of 100 feet, front yard setbacks of 40 feet, rear yard setbacks of 25 feet and side yard setbacks of 10 feet, as outlined in Sec. 23 of the City of Germantown Zoning Ordinance. In accordance with Sec. 23 Div. 19, the applicant is proposing a PUD in order to have varying lot sizes, lot width and setbacks.

Mayor Palazzolo opened the floor for the public hearing.

Ms. Alicja Trout, 1689 Tamarack Lane, came forward to oppose the Neshoba Farms planned unit development.

Mayor Palazzolo closed the public hearing.

Motion by Mr. Owens, seconded by Mr. Janda, to approve Resolution 20R10 for the Neshoba Farms Planned Unit Development (PUD) Outline Plan.

Point of Inquiry by Alderman Sanders: He did not see the email from Ms. Trout. Do the Public Hearing emails go directly to the Board? The City Clerk stated that normally the emails go directly to the Board. There was a delay in IT with forwarding the email to the Board.

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

Resolution 20R11 – Statewide Masking

The Board of Mayor and Aldermen is asked to consider the adoption of Resolution 20R11 regarding a gubernatorial executive order on statewide masking during the COVID-19 pandemic.

Motion by Ms. Gibson, seconded by Mr. Owens, to adopt Resolution 20R11 requesting that the Governor of Tennessee issue a statewide mask mandate.

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

Meeting adjourned.

Mike Palazzolo, Mayor

Michele Betty, City Clerk/Recorder