

BOARD OF MAYOR AND ALDERMEN

November 23, 2020

The regular meeting of the Board of Mayor and Aldermen was held on Monday, November 23, 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, Forrest Owens and Rocky Janda. Staff present: Pam Beasley, Michele Betty, Tony Fischer, Jason Huisman, Patrick Lawton, Mac McCarroll, Lisa Piefer, Cameron Ross, Adrienne Royals, John Selberg and Steve Wilensky.

Guest present: Shelby County Commissioner Mark Billingsley spoke regarding how the security camera grant came to be and how he will continue to work towards funding for security in his districts.

Call To Order

The Mayor called the meeting to order.

Invocation

The invocation was led by Patrick Lawton.

Statement from Mayor Palazzolo

Mayor Palazzolo asked City Administrator Patrick Lawton to read the following statement. 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 23, 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 Mr. Owens, to conduct the November 23, 2020 Board of Mayor and Aldermen meeting by electronic means to protect the public health, safety, and welfare of Tennesseans in light of the COVID-19 outbreak.

ROLL CALL: Sanders-yes, Gibson-yes, Massey-absent, 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 approve the November 23, 2020 agenda.

Motion by Mr. Sanders, seconded by Ms. Gibson, to move to the regular agenda item #10b – Development Contract No. 1235 and Final Site Plan Approval – 1275 S. Germantown Rd (New Cell Tower.)

ROLL CALL: Sanders-yes, Gibson-yes, Massey-absent, Owens-no, Janda-no. Motion failed due to lack of majority.

ROLL CALL: On original Motion by Mr. Janda, seconded by Mr. Owens, to approve the November 23, 2020 agenda.

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

Approval of Minutes

Approval is requested of the minutes of the regular meeting held November 9, 2020.

Motion by Mr. Janda, seconded by Mr. Sanders, to approve the minutes of the Board of Mayor and Aldermen regular meeting held November 9, 2020.

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

Citizens to be Heard

Brian Everson, Germantown Community Theatre, 3037 Forest Hill-Irene Rd., came forward to express his appreciation for the support of the theatre by the Board of Mayor and Aldermen.

Jim Kelley, 7061 Riverwood Street, came forward to object to the request made by the Board to Governor Lee for a statewide mask mandate.

Michael Parham, Parham Estate Law, 1000 Ridgeway Loop Road, Suite 305, came forward to object to the request made by the Board to Governor Lee for a statewide mask mandate.

Special Recognition

Beautification Commission Business Award

The Avenida Watermarq at Germantown is the recipient of the November 2020 Beautification Commission Business Award.

Germantown Education Commission Teacher of the Month – November 2020

Susan Eaton, a second grade teacher at Farmington Elementary School, is the November 2020 Teacher of the Month Award recipient.

PRELIMINARY AGENDA

Crossing Release Agreement – Norfolk Southern Railway Company

The railway crossing served as the primary entrance to a private residence until the City acquired this property to develop the Bobby Lanier Farm Park property in 2012. The railway crossing could no longer be used as a public entrance to the park as no safety equipment existed. The City constructed a public entrance on the western boundary of the farm which connects to the Cloyes Soccer Fields parking lot.

Staff conveyed concern about losing access for emergency vehicles and maintenance at the Poplar Pike crossing and asked if the railway company would consider providing any alternative. After discussion, the City received a Crossing Release Agreement that provides a payment to the City in the amount of \$20,000.00. This money can be

used towards creating an emergency and maintenance access. Development options will be explored during the budgeting process for Farm Park IRP/CIP projects.

MOTION: To authorize the Mayor to execute a Crossing Release Agreement with the Norfolk Southern Railway Company which would permanently remove the existing rail crossing that serves as a non-public entrance to the Bobby Lanier Farm Park on Poplar Pike; and to accept their payment of \$20,000.00 payable to the City of Germantown for deposit into the Farm Park Reserve Fund.

Development Contract No. 1235 and Final Site Plan Approval – 1275 S. Germantown Rd. (New Cell Tower)

The proposed cell tower will be located on seven existing parking spaces on the southern portion of the property, approximately 40 ft. to the Office Depot building to the north and 40 ft. to the property line to the south. Per Section 23-86(c)(1) of the Code of Ordinances, wireless transmission facilities are allowed within commercial zoning districts, with the review and approval by the Planning Commission, Design Review Commission and Board of Mayor and Aldermen. In July 2020, the Board of Zoning Appeals approved a variance for a parking reduction of seven spaces for Lot 2, resulting in 118 parking spaces for that lot. In September 2020, the Planning Commission and the Design Review Commission recommended approval.

MOTION: To approve Development Contract No. 1235 and the final site plan for a new cell tower at 1275 S. Germantown Rd. (Lot 2, River Village Subdivision).

Donation – Germantown Education Foundation – Friend of the Foundation – 1st Quarter

The mission of the Germantown Education Foundation is to mobilize community resources to support and benefit schools and educational programs in the City of Germantown. In 2014, the Board of Mayor and Aldermen established the opportunity for Germantown citizens to donate funds to the Germantown Education Foundation through their monthly water bill. Friend of the Foundation has 214 recurring donors.

MOTION: To approve the disbursement of funding collected by the City from residents and others within the community for the Germantown Education Foundation in the amount of \$3,785.50.

Grant – Germantown Community Theatre

As part of the FY21 Budget, a \$62,500.00 grant was included in the Civic Support budget for the Germantown Community Theatre to provide youth theater programming and staffing support to the Germantown community. This is the thirteenth year the Germantown Community Theatre has offered programming to Germantown youth through funding from the City. The Parks and Recreation Department provides oversight to the annual program plan to ensure that goals and objectives are met.

MOTION: To authorize the Mayor to execute a Theatre Program Agreement for the FY21 budget year between the City of Germantown and the Germantown Community Theatre and to authorize the budgeted payment of \$62,500.00.

Grant – Security Cameras

The Shelby County Commission's Law Enforcement Subcommittee held a meeting to discuss the county-wide use and implementation of technology measures such as security cameras and license plate readers. The subcommittee recommended that the Shelby County Commission provide funding to law enforcement agencies to establish or enhance the use of security cameras and/or license plate readers. On July 27, 2020, the Shelby County Commission, at the recommendation of Chairman Mark Billingsley, approved the awarding of \$75,000.00 to the City of Germantown for the purpose of installing neighborhood security cameras.

In February 2020, the Germantown Police Department implemented a camera / license plate reader project. The department entered into an agreement with Flock Safety for the installation of 12 fixed mounted cameras. The ability to share data via the Flock Safety platform allows law enforcement agencies to increase the effectiveness

of policing strategies throughout the entire area. The police department plans to diversify, strengthen, and build this technological capability upon acceptance of these grant funds.

MOTION: To authorize the acceptance of grant funding appropriated by the Shelby County Commission in the amount of \$75,000.00 to be used for eligible activities involving the procurement and installation of security camera equipment / license plate readers.

Purchase – Group Life and Long Term Disability

Life Insurance currently covers all full-time employees and elected officials while serving in office, excluding temporary and seasonal employees with the City, and amounts to 3x's annual earnings up to \$300,000. Accidental Death and Dismemberment Insurance covers all full-time employees at 3x's annual earnings, excluding temporary and seasonal employees. A basic life insurance policy benefit of \$15,000 covers eligible employees who retired after August 2000. Long-Term Disability insurance provides financial protection for full-time active employees by paying 66 ⅔ of monthly earnings up to a maximum of \$6,000 per month. It begins after a 90-day elimination period (including salary continuation). With these three insurances, full-time employees have coverage upon death or disability.

MOTION: To authorize the Mayor and Board to approve a new policy for the City of Germantown's Group Life and Long-Term Disability Insurance in the estimated annual amount of \$270,022.71 with Dearborn Group for the period of January 1, 2021 through December 31, 2023, with two additional twelve-month extensions at the City's option.

Renewal – Medical and RX Stop Loss Insurance

Medical Stop Loss Insurance protects the City's self-funded plan from extreme medical expenses. The effective date of the new policy will be January 1, 2021. The City has used the services of a stop loss carrier for over twenty years. The stop loss carrier works as a safety net to protect the City's self-funded medical plan. The City has a \$115,000.00 individual stop loss deductible, meaning that if an individual medical claim exceeds \$115,000.00, the insurance will reimburse the City 100% of the paid eligible claims that exceed that specific amount.

MOTION: To authorize the Mayor to approve the one-year renewal of a medical stop loss policy with American Fidelity in the estimated amount of \$648,587.00 beginning January 1, 2021 through December 31, 2021.

Renewal – Property & Casualty Insurance

The City manages various risks of doing business by obtaining insurance coverage for excess property losses, workers compensation claims and general tort liability claims. For more than two decades, this coverage has been provided by Public Entity Partners (PEP), formerly TML Risk Management Pool, a professionally operated, non-profit, captive arrangement risk sharing pool for Tennessee municipalities. This cooperative risk sharing arrangement was made possible due to the Governmental Tort Liability Act of 1973 which limits the liability of Tennessee municipalities.

PEP provides the City with all necessary claim services, loss control programs and ready access to risk management products. All surplus premiums are returned to members in the form of dividends. The member's dividends are based not only on the municipality's premium size but also the municipality's individual loss experience. These dividends would be profit to a regular insurance company but are returned to the City.

MOTION: To approve the renewal of insurance coverage and payment of premiums (less the related dividends) to Public Entity Partners in the total amount of \$971,948.00 for property, workers compensation, and general liability policies.

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

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

REGULAR

Ordinance 2020-8 – Rezoning of a 2.807-Acre Portion of a Parcel (“RE-1” Residential Estate to “R” Low-Density Single-Family Residential) – First Reading

The subject property was not included in the recently approved Wilder PUD, as it was zoned “RE-1.” Per Sec. 23-567(a) of the Zoning Ordinance, property zoned “RE-1” cannot be considered for a PUD. However, per Sec. 17-1(b) of the City Subdivision regulations, any lot less than 5 acres shall be part of a subdivision. Presently, the remainder of the 2.81-acre portion of the property would not be part of a subdivision. Thus, by rezoning the remainder 2.81-acre portion of the property to “R,” it may then be incorporated into the Wilder PUD with an amended Outline Plan. The Planning Commission recommended approval of this rezoning.

Motion by Mr. Owens, seconded by Ms. Gibson, to approve Ordinance 2020-8 on first reading and set the public hearing for January 11, 2021.

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

Meeting adjourned.

Mike Palazzolo, Mayor

Michele Betty, City Clerk/Recorder