

BOARD OF MAYOR AND ALDERMEN

April 12, 2021

The regular meeting of the Board of Mayor and Aldermen was held on Monday, April 12, 2021, 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, Sherrie Hicks, Brian Ueleke and Jon McCreery. Staff present: Jeff Beaman, Pam Beasley, Michele Betty, Paul Chandler, Reynold Douglas, Tony Fischer, Tim Gwaltney, Richard Hall, Jason Huisman, Patrick Lawton, Mac McCarroll, Bo Mills, Joe Nunes, Cat Pena, Lisa Piefer, Cameron Ross, Adrienne Royals, Emily Rozar, John Selberg and Ola Terrell-Jordan.

Call to Order

The Mayor called the meeting to order.

Invocation

The invocation was led by Patrick Lawton.

Statement from Mayor Palazzolo

Mayor Palazzolo 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. 78, an order extending Executive Order Nos. 16, 34, 51, 60, 65 and 71, 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 have access to the Board of Mayor and Aldermen meeting via real-time video. The meeting will also be recorded and available within 48 hours of the meeting. These measures are temporary, and are due to expire on April 28, 2021, unless further action is taken by Governor Lee.

Establishment of Necessity to Conduct the Board of Mayor and Aldermen Meeting Electronically

Governor Bill Lee's Executive Order No. 78, an order extending Executive Order No. 16, required 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 Ms. Gibson, seconded by Mr. Ueleke, to conduct the April 12, 2021 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-no, Gibson-yes, Hicks-yes, Ueleke-yes, McCreery-yes. Motion approved.

Set Agenda

Motion by Mr. Sanders, seconded by Mr. McCreery, to approve the April 12, 2021 agenda.

ROLL CALL: Sanders-yes, Gibson-yes, Hicks-yes, Ueleke-yes, McCreery-yes. Motion approved.

Approval of Minutes

Motion by Mr. Sanders, seconded by Ms. Hicks, to approve the minutes of the Board of Mayor and

Aldermen regular meeting held March 22, 2021 as written.

ROLL CALL: Sanders-yes, Gibson-yes, Hicks-yes, Ueleke-yes, McCreery-yes. Motion approved.

Citizens to be Heard

The following citizens came forward in support of rezoning the Skinner Property:

David Arick, 3203 Wetherby Drive	Tripp Murray, 1334 Fox Grape Cove
Ken Ross, 7549 Parker Circle	Emmett and Tracy Whitaker, 2203 Glenbar Drive

The following citizens came forward in opposition to the rezoning of the Skinner Property.

Lisa and Ron Campbell, 9173 Belle Fleurs Cove Pamela and Michael Rebolledo, 9245 Forest Hill Lane

Proclamation – Blue and Green Day

Mayor Palazzolo proclaimed April 16, 2021 as Blue and Green Day in the City of Germantown. The Mid-South Transplant Foundation is bringing awareness of the need for organ and tissue donation through Blue and Green Day Mid-South, part of National Donate Life America’s month-long campaign.

CONSENT AGENDA

Authorizations - Competitive Sealed Proposals (Banking, Legal, Retirement Investment, and Recreation Software Management Services)

Per the requirements of the City’s ordinance, the Procurement & Risk Department requests the approval to utilize the competitive sealed proposal process to procure the following: Banking Services, legal Services, retirement investment services and recreation management software services.

MOTION: To authorize the use of the competitive sealed proposal process for procuring Banking, Legal, Retirement Investment, and Recreation Software Management services.

Change Order No. 1 – Water Treatment Plant Chlorine Chemicals

Water disinfectant chlorine chemicals are purchased as needed from local vendors for the purpose of providing quality potable water to the City of Germantown customers per State of Tennessee requirements. These chemicals include chlorine gas which is utilized at the Johnson Rd WTP and liquid sodium hypochlorite which is utilized at the Southern Ave WTP. Due to limited storage options, the chemicals required by each plant must be delivered in a timely manner upon notification within 48 hours of the request for product. These products are to be the highest quality available, comply with specifications, and include Material Safety Data Sheets. This purchase will meet the department's needs for the rest of this fiscal year.

MOTION: To authorize Change Order No.1 to purchase additional chlorine disinfectant chemicals for both of the City’s water treatment plants from Harcros Chemicals, Inc. in the total amount of \$13,820.00.

Donations - Germantown Community Library

The Germantown Community Library works in partnership with many local organizations and individuals to provide top quality services to its patrons. The following individuals and organizations have contributed these donations to the Germantown Community Library:

Kappa Kappa Gamma Fraternity - \$750.00	Carol Hvasta - \$25.00
Ron Schatz - \$60.00	Poplar Estates Garden Club - \$25.00
Jamelean S. Deere - \$20.00	Family of Tom Neeley - \$500.00
Ping-Mei Yu and Zhang-Min Xi - \$500.00	Memorials in honor of C.Thomas Cates - \$1,320.00

MOTION: To approve donations of \$3,200.00 to the Germantown Community Library and to approve Budget Adjustment No. 21-80.

Grants - Our Town and Creative Placemaking

On August 6, 2019, the City of Germantown was awarded the Our Town grant from the National Endowment for the Arts (NEA) for the creation of a Public Art Master Plan. On May 31, 2019, the City was awarded the Creative Placemaking grant from the Tennessee Arts Commission. As part of the grant requirements from the NEA, the City was required to match the \$50,000.00 donation. The City matched the NEA grant by contributing \$43,190.00 from the General Fund and \$6,810.00 from the Creative Placemaking grant.

MOTION: To accept a \$50,000.00 Our Town grant from the National Endowment for the Arts and a \$6,810.00 Creative Placemaking grant from the Tennessee Arts Commission.

Payment - Mill and Overlay

In October of 2020, the City entered into a TDOT Local Programs contract for the repaving Neshoba Road from Germantown Road (SR 177) to Exeter Road and Wolf River Blvd. from Riverdale Road to the western city limits. The City chose Barge Design as the design consultant for this project. Barge Design is under contract with TDOT to provide services to Local Governments. Therefore, the City will not enter into a contract with Barge Design.

MOTION: To approve payment to TDOT in the amount of \$29,118.00 for the mill and overlay of segments of Neshoba Road and Wolf River Blvd.

Professional Services Agreement - Intersection Safety Audits

The City's roadway network includes thirty-nine signalized intersections and over one thousand non-signalized intersections. Analysis of crash data and field observations will be used to develop cost-effective improvements with recommendations for improvements for each of the studied intersections.

MOTION: To approve payment a Professional Services Agreement in the amount of \$200,000.00 with Kimley-Horn and Associates for Engineering Services related to Intersection Safety Audits.

Professional Services Agreement - Major Road Plan

The City's existing Major Road Plan was last updated in 1994. The Major Road Plan update will have an emphasis on bicycle and pedestrian connectivity resulting in an updated GIS-based Major Road Plan that will be posted to the City's website. The Major Road Plan update will consist of analyzing the existing roadway network and identifying future proposed improvements. With input from key stakeholders, the Consultant will identify modifications to the roadway plan that will support the city's existing and proposed land uses and provide an enhanced transportation system. This transportation planning analysis will be based on employment estimates and projected travel demand data made available through the City and the Memphis Metropolitan Planning Organization.

MOTION: To approve a Professional Services Agreement in the amount of \$100,000.00 with Pickering Firm, Inc. for Engineering Services related to updating the City's Major Road Plan.

Purchase - Firefighter Turnout Clothing

Turnout gear is the personal protective clothing that fire fighters wear while fighting fires and completing other emergency operations. Each set of gear will remain in front line service for approximately 7 years and can be used as backup gear for another 3 years until it must be pulled from front line service per the

National Fire Protection Association. At that time, the department places the gear in reserve status and must purchase up-to-date gear. The department replaces approximately 1/6 of the gear each fiscal year.

MOTION: To approve the purchase of turnout clothing from Emergency Vehicle Specialists in the amount of \$37,376.00 for 16 sets of turnout clothing.

Supplement No. 1 – Assurance COVID-19 Testing

Information concerning assurance testing and its use in combating outbreaks within the workforce was gleaned from the county COVID-19 Task force through discussions with Dr. Manoj Jain, an infectious disease physician who has been advising the City and county on its COVID-19 response. In early November 2020, it was determined that Assurance testing would assist in the City's response to the COVID-19. The Procurement Department determined that Poplar Healthcare was a single source for all available assurance testing methods including individual pooling, swab pooling for up to 20 people, and scheduling software. On November 12, 2020, the City completed a contract with Poplar HealthCare for these services in a not to exceed amount of \$24,999.00, which complies with the City's procurement procedures.

An Assurance Testing Team was created consisting of employees from Fire, HR, Administration and Procurement departments to assist with the implementation. The testing program responsibilities were assigned to and have been administered by the City's Fire and Ambulance staff. To date, the City has completed 1,180 tests. Since testing began, 25% of the total positive cases among City staff were identified through asymptomatic testing. The identification and quarantine of these individuals during a period in which they were contagious but not experiencing symptoms, helped minimize risk to other employees and the public they serve.

MOTION: To approve Supplement No. 1 for Assurance COVID-19 Testing with Poplar Healthcare, PLCC in the amount of \$17,001.00, increasing the total service agreement to a not to exceed amount of \$42,000.00.

Agreement - Library Services

With the current agreement for library services set to expire, staff requested and received approval to use the competitive sealed proposal process on May 14, 2020, to procure these services. Avenu Insights & Analytics, LLC was determined to be the best qualified vendor. While this is a departure from a long-time vendor, current library staff will be offered their same positions with Avenu to mitigate any disruption in library services and ensure a smooth transition.

MOTION: To approve a three year agree agreement with Avenu Insights & Analytics, LLC for Library services in the amount of \$1,331,449.00 for FY22.

Motion by Ms. Gibson, seconded by Mr. Sanders, to approve the consent agenda as amended.

ROLL CALL: Sanders-yes, Gibson-yes, Hicks-yes, Ueleke-yes, McCreery-yes. Motion approved.

REGULAR AGENDA

Ordinance 2021-6 - Appeal of Decision by Planning Commission - Skinner Property (3.38 AC.) Rezoning from "AG" Agricultural and "R-E" Residential Estate Zoning Districts to "O" Office and "C-1" Neighborhood Commercial Zoning Districts - Second Reading and Public Hearing

This item is to approve on second reading the rezoning of three parcels north of Poplar Avenue and east of Forest Hill Irene Road (known as the Skinner Property) from "AG" Agricultural and "R-E" Residential

Estate to “O” Office and “C-1” Neighborhood Commercial. The specific request by the applicant is to rezone three parcels of land containing 3.38 ac. (per submitted PC application) for office and commercial/retail uses.

The Planning Commission recommended rejection of this rezoning on December 1, 2020. Pursuant to Sec. 23-68 of the Code - Planning Commission review: No amendment shall be enacted by the Board of Mayor and Alderman unless such amendment is first submitted to the Planning Commission for review. If disapproved by the Planning Commission, the amendment must be approved by the favorable vote of a majority of the entire membership of the Board of Mayor and Alderman. Thus, this rezoning request would have to be approved at three readings by four or more members of the Board of Mayor and Aldermen. In order to move this application to second reading and set the public hearing, the board is required to vote in favor of the application at the first reading.

Mayor Palazzolo opened the floor for the public hearing.

The following came forward in support of the rezoning:

Christopher & Andrew Allen, 8779 Knob Oak Cv.	Andy Cowan, 2620 Forest Hill Irene Road
Tom Curlin, 8891 Forest Glade Cove	W. Glass, 9053 Stone Walk Place
Matt & Cherisse Hixson, 8982 On the Hill Cove	Anne McCormick, 3084 Chapel Woods Cove
Michael & Virginia Nabors, 2287 Johnson Rd.	Phil Sisneros, 1974 Arden Landing Cv. S.
Philip Smith, 2590 Johnson Road	

The following came forward in opposition to the rezoning:

Denis & Lourdes Bonderud, 9348 Forest Hill Lane and 2903 Johnson Road	Lisa & Ron Campbell, 9173 Belle Fleurs Cove
Charles & Nancy Coe, 2896 Hughes Creek Cove	Susan & Andrew Davidoff, 9309 Forest Hill Ln.
Charles and Joni Herron, 9010 Grove Forest Cove	Colin Howden, 9137 Belle Fleurs Cove
Joe & Phyllis Knose, 9316 Forest Hill Lane	John & Kathy Linn, 9001 Grove Forest Cove
Michael & Pamela Rebolledo, 9245 Forest Hill Lane	William & Sharon Ryan, 9020 Grove Forest Cove
Alison & Scott Thomas, 8989 Grove Forest Cove	David Wade, Attorney, 6410 Poplar Ave. #1000

Mayor Palazzolo closed the Public Hearing.

Brenda Solomito Basar, with Solomito Land Planning, presented the basis of the appeal on behalf of the property owners.

Motion by Mr. McCreery, seconded by Mr. Sanders, to approve on second reading the rezoning of three parcels north of Poplar Avenue and east of Forest Hill Irene Road (known as the Skinner Property) from “AG” Agricultural and “R-E” Residential Estate to “O” Office and “C-1” Neighborhood Commercial.

ROLL CALL: Sanders-yes, Gibson-yes, Hicks-yes, Ueleke-yes, McCreery-yes. Motion approved.

Ordinance 2021-5 - Amendments to Chapter 23 of the Code of Ordinances (Zoning) - Amendment to Residential Corner Lot Definition and Residential Lot Setbacks - Second Reading and Public Hearing

An application for zoning text amendments has been filed at the request of the Planning Commission to amend the language in the City Code. The specific text amendments are to revise the definition of corner lots and modify the required side yard setbacks on residential lots.

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

Motion by Mr. McCreery, seconded by Ms. Gibson, to approve on first reading Ordinance 2021-5, amendments to Chapter 23 (Zoning), Article I (In General), Section 23-2; Section 23-3(d), and to various sections within Article III (Districts) of the Code of Ordinances.

ROLL CALL: Sanders-yes, Gibson-yes, Hicks-yes, Ueleke-yes, McCreery-yes. Motion approved.

Ordinance 2021-7 - Amendment to Ch. 4 - Amusements and Entertainments - First Reading and Set Public Hearing Date

Over the last year, Economic and Community Development staff and City Administration have invested a significant amount of time identifying persistent property maintenance and quality of life issues throughout our community, reviewing our existing ordinances to determine where modifications are necessary within our municipal code to address these issues, and researching ways in which other benchmark municipalities approach these neighborhood and community preservation topics through policy. The revisions to the chapter address two key issues – stormwater runoff and drainage along with maintenance. The maintenance of residential swimming pools is one of the more common concerns received by the code compliance office, therefore, it was included as part of the ordinance review related to property maintenance.

Alderman Sanders offered, with no opposition, the following amendment to agenda item 13, Ordinance 2021-7, under section 4-60 (b), strike the words "two days after mailing, presuming that mail is delivered on such second date, otherwise the next day that mail is delivered" and insert the following "seven business days after mailing."

Motion by Ms. Gibson, seconded by Ms. Hicks, to approve Ordinance 2021, amending Chapter 4 Amusements and Entertainments on first reading and set May 10, 2021, for second reading and the public hearing as amended.

ROLL CALL: Sanders-yes, Gibson-yes, Hicks-yes, Ueleke-yes, McCreery-yes. Motion approved.

Goodwin Farms PUD: Approval of a Revised Phasing Plan for an Approved Outline Plan, Approval of Final Plan - Phase 1 and Approval of Development Contract No. 513 - Goodwin Farms PUD - Final Plan Phase 1

The developer has reorganized the Phasing Plan as was originally approved with the recorded Outline Plan. The number of phases has been reduced from ten to nine. Phase 1 now includes previous Common Open Space A and all of previous Common Open Space B, which has been reconfigured to one large concrete-lined detention area for the development with a perimeter walking path. As part of their recommendation of approval of Phase 1, the Planning Commission requested that the Board of Mayor and Aldermen approve the revised Phasing Plan of the Outline Plan. The request is to approve both the Final Plan – Phase 1 and the development contract for Phase 1.

Motion by Mr. McCreery, seconded by Ms. Hicks, to approve the following for the Goodwin Farms Planned Unit Development (PUD): 1) revised Phasing Plan for an approved Outline Plan; 2) Final Plan – Phase 1 (21 lots); and Subdivision Development Contract No. 513 for Phase 1.

ROLL CALL: Sanders-yes, Gibson-yes, Hicks-yes, Ueleke-yes, McCreery-yes. Motion approved.

Resolution 21R05 - Adoption of Germantown Public Art Master Plan

One of the primary responsibilities of the Public Arts Commission is to develop, maintain, and update a comprehensive master plan of public art for the city in coordination with the City’s visual arts staff. The initiative to create the master plan was named *ArtsLaunch Germantown*, which debuted at the 2019 Germantown Holiday Parade. Shortly afterward, the consulting firm conducted stakeholder interviews and launched an online survey to solicit information to be included in the plan. In collaboration with a local consultant, the project team launched a community engagement tool called *Colors of the Heart*. This program generated and captured information about the city’s identity, heritage, values, culture, and dreams in order to better understand what distinguishes Germantown as a community and how public art can reflect the findings. The feedback was integrated into the Public Art Master Plan, which recommends strategic locations for public art placement, ‘operationalizes’ the program with a strong process for selection, and recommends funding mechanisms for public art in the future. On December 17, 2020, the PAC approved the final plan and recommends acceptance.

Motion by Ms. Gibson, seconded by Mr. Ueleke, to approve Resolution 21R05, adopting the Germantown Public Master Art Plan and the incorporated public art operational policies and procedures.

ROLL CALL: Sanders-yes, Gibson-yes, Hicks-yes, Ueleke-yes, McCreery-yes. Motion approved.

Resolution 21R07 - Support for HB 0917/SB 0898 Local Education Agency Operations and Transition Plan

The state legislature is currently considering amendments to Chapter 49 Education that would address whether one Local Education Agency (LEA) can and should legally operate within the jurisdictional boundaries of another LEA, and clarifies the transitional processes regarding educational operations and public capital assets (buildings, facilities, FF&E, etc.) from one LEA to another LEA when applicable.

Motion by Ms. Gibson, seconded by Ms. Hicks, to approve Resolution 21R07, supporting HB 0525 / SB 0924 Local Education Agency Operations and Transition Plan.

ROLL CALL: Sanders-yes, Gibson-yes, Hicks-yes, Ueleke-yes, McCreery-yes. Motion approved.

Resolution 21R08 – Honoring the Service Clint Hardin

The members of the City’s Financial Advisory Commission (FAC) requested that the Board of Mayor and Aldermen consider a resolution recognizing Clint Hardin and his service on the FAC.

Motion by Mr. Ueleke, seconded by Ms. Gibson, to adopt Resolution 21R08, a resolution recognizing Clint Hardin and his service on the Financial Advisory Commission.

ROLL CALL: Sanders-yes, Gibson-yes, Hicks-yes, Ueleke-yes, McCreery-yes. Motion approved.

Meeting adjourned.

Mike Palazzolo, Mayor

Michele Betty, City Clerk/Recorder