

## **BOARD OF MAYOR AND ALDERMEN**

**April 26, 2021**

The regular meeting of the Board of Mayor and Aldermen was held on Monday, April 26, 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, Rodney Bright, Reynold Douglas, Tony Fischer, Patrick Lawton, Mac McCarroll, Bo Mills, Lisa Piefer, Phil Rogers, Cameron Ross, Adrienne Royals and John Selberg.

### **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 26, 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**

The Board is asked to set the agenda for the meeting. The Administration deferred Item 11b – Change Order No. 5 – Inspections, Repairs, and Preventative Maintenance for Wells and Pumps.

Motion by Mr. McCreery, seconded by Mr. Sanders, to approve the April 26, 2021 agenda as amended.

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

**Approval of Minutes**

Approval is requested of the minutes of the regular meeting held April 12, 2021.

Motion by Mr. Sanders, seconded by Ms. Gibson, to approve the minutes of the Board of Mayor and Aldermen Regular Meeting held April 12, 2021, as amended.

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

**Citizens to be Heard**

No citizens came forward.

**SPECIAL RECOGNITIONS**

**Beautification Commission Business Award - April 2021**

The Shops of Forest Hill, located at 9155 Poplar Avenue, is the recipient of the April Beautification Commission Business Award.

**Germantown Education Commission Teacher of Month - April 2021**

The April 2021 Teacher of the Month Award winner is Mr. Brian Haynes, seventh grade enriched math teacher at Houston Middle School.

**Germantown Education Commission Youth Excellence Award - April 2021**

The April 2021 Youth Excellence Award winner is Houston High School senior, Margaret Fischer.

Mayor Palazzolo recessed the Board of Mayor and Aldermen meeting and reconvened as the Beer Board.

**BEER BOARD - Public Hearing - Beer Permit - On-premise Application - Mike's Hot Wings**

The City has received a request from Michael Davis for a permit to sell beer for on-premise consumption at Mike's Hot Wings, located at 7730 Wolf River Blvd. #113.

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

Motion by Ms. Gibson, seconded by Ms. Hicks, to approve the request of Michael Davis for a permit to sell beer for on-premise consumption at Mike's Hot Wings, located at 7730 Wolf River Blvd. #113.

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

**CONSENT AGENDA**

**Change Order No. 2 – Bulk Hot Asphalt Mix**

On July 27, 2020, the BMA approved Contract Amendment No. 1 with Standard Construction, Inc. to extend the term of the Contract thru June 30, 2021. Lehman-Roberts Company has been utilized as a secondary source for product when production plants are out of operation for seasonal maintenance. Due to the COVID-19 pandemic, Standard Construction, Inc. to shut down their asphalt plants for prolonged periods of time which made them unable to supply the asphalt. Public Works crews have had to procure more than what was planned of the hot asphalt mix from Lehman-Roberts Company. The additional, most recent purchase of bulk asphalt from our secondary source caused the amount originally approved in the purchase order to be exceeded by \$928.58, increasing the total amount to \$25,826.58, which exceeds the

\$25,000 approval threshold. Per the City's procurement procedures, the BMA was notified by Memo on April 14, 2021 with Change Order No. 1 for 16.01 tons of asphalt totaling \$928.58.

MOTION: To authorize Change Order No. 2 to procure additional bulk hot asphalt mix for City street maintenance from Lehman-Roberts Company in a total, not to exceed amount of \$17,500.00.

**Change Order No. 5 – Inspections, Repairs and Preventative Maintenance for Wells and Pumps – DEFERRED**

**Purchase - Club Strength Fitness Equipment**

This purchase is to replace pin loaded commercial grade strength equipment, and the addition of some new dumbbells. With no electronics, and minimal moving parts, purchasing of this type of equipment is a more cost effective approach than leasing. The expected life span of strength equipment paired with slower technological advancements means the Germantown Athletic Club can get a longer use than a three year lease option provides while still staying current with the latest trends. Purchasing of the strength equipment also allows the Club to depreciate the assets and at the end of life, sell them as surplus and put that money towards the next equipment purchase.

MOTION: To approve the purchase of fitness strength equipment with Direct Fitness Solutions in the amount of \$107,016.00 for the Germantown Athletic Club.

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

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

**REGULAR**

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

An application for zoning text amendments has been filed at the request of the Planning Commission to amend the language in the City Code. Sections 23-2 and 23-3(d) currently state that "the rear yard on corner lots be identified at the time the building permit is issued." This is a problem for property owners seeking to rebuild a home that may have been demolished and removed from an existing lot since residential building permits are issued by the Shelby County Building Department instead of the City of Germantown. Consequently, there are no historical records kept by the City to assist in determining the previously established rear yard on older residential corner lots. This text amendment revises the definition of corner lots to allow two front yard setbacks and two side yard setbacks, thereby relieving the necessity of determining a rear yard at the time a building permit is issued by Shelby County.

The Code requires interior lots in all Residential Zoning Districts to "have one or more required side yards of not less than 10 feet each," except in the Residential Estate District where the requirement is to "have one or more required side yards of not less than 25 feet each." The older recorded subdivision plats fail to reflect the required setbacks on lots, especially side yards and in some cases rear yards, which has caused some frustration when older platted subdivision lots are submitted for administrative review approval of either a building addition or an accessory structure on the lot. The amendments to the residential district would make side yard setbacks uniform for all lots by requiring the same setback area on each side, unless otherwise designated on the recorded development plan

Motion by Mr. McCreery, seconded by Ms. Gibson, to approve on third 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 2021-6 - 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 - Third Reading**

The specific request by the applicant is to rezone three parcels of land containing 3.38 ac. (per submitted Planning Commission application) for office and commercial/retail uses. On December 1, 2020, the Planning Commission rejected the current requested zoning change. The amendment must be approved by the favorable vote of a majority of the entire membership of the Board of Mayor and Aldermen. Thus, this rezoning request would have to be approved at three readings by four (4) or more members of the Board of Mayor and Aldermen. In order to move this application to third reading, the Board was required to vote in favor of the application at the first reading as well as the second reading and public hearing. On March 8, 2021, the Board of Mayor and Aldermen approved Ordinance 2021-6 on first reading and set a public hearing date. On April 12, 2021, the Board of Mayor and Aldermen approved Ordinance 2021-6 on second reading.

Motion by Mr. McCreery, seconded by Ms. Gibson, to approve on third 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-no, Hicks-no, Ueleke-no, McCreery-no. Motion failed.

Meeting adjourned.

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Mike Palazzolo, Mayor

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Michele Betty, City Clerk/Recorder