

BOARD OF MAYOR AND ALDERMEN
February 14, 2022

The regular meeting of the Board of Mayor and Aldermen was held on Monday, February 14, 2022, at 6 pm in the Council Chambers at City Hall.

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: Pam Beasley, Michele Betty, Tony Fischer, Richard Hall, Jason Huisman, Mac McCarroll, Bo Mills, Catherine Perdue, Lisa Piefer, Cameron Ross, Adrienne Royals and Andy Sanders.

Call to Order

The Mayor called the meeting to order.

Invocation

The invocation was led by Cameron Ross.

Pledge of Allegiance

Alderman Gibson led the Pledge of Allegiance.

Set Agenda

The following changes were made to the agenda: Item #8d – Appointment – Economic Development Commission was removed by the Administration; Item #8k – Emergency Purchases – Ice Storm Debris Collection and Disposal was modified by adding at the end of the motion “and to approve Amendment No. 1 with Brightview Landscaping Services, Inc.”; and Item #10 Resolution 22R06 – Support for Increased Basic Education Program Funding by the State of Tennessee in Support of Student Success and a Fiscally Responsible Approach to Local Contributions was deferred by the Administration.

Motion by Ms. Gibson, seconded by Mr. McCreery, to approve the February 14, 2022 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 January 24, 2022.

Motion by Mr. Sanders, seconded by Mr. McCreery, to approve the minutes of the Board of Mayor and Aldermen Regular Meeting held January 24, 2022.

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

Citizens to be Heard

Ms. Patricia Toarmina, 1533 Kelchner Cove, came forward to express her appreciation to the Public Works Department, WastePro and City leadership for their response to the recent ice storm. Vice Mayor Gibson added her appreciation for the City’s first responders.

The Mayor recessed the Board of Mayor and Aldermen and reconvened as the Germantown Beer Board.

BEER BOARD – Public Hearing – Beer Permit – On Premise Application – Gregorio Diaz

The City has received a request from Gregorio Diaz for a permit to sell beer for on-premise consumption at Uncle Goyo’s Mexican Restaurant, located at 1730 S. Germantown Road, #115.

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 Mr. Ueleke, to approve the request of Gregorio Diaz for a permit to sell beer for on-premise consumption at Uncle Goyo's Mexican Restaurant, located at 1730 S. Germantown Road, #115.

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

The Mayor recessed the Germantown Beer Board and reconvened as the Board of Mayor and Aldermen.

CONSENT AGENDA

Appointment – ADA Access Review Board

There was one position on this board not filled at the Special Called Meeting held on December 15, 2021. Mr. Frank Dyer has applied to serve.

MOTION: To appoint Frank Dyer to the ADA Access Review Board with a term ending December 31, 2022.

Appointment – Assistant Prosecuting Attorney

The Board is asked to consider the appointment of Mr. Barak Babcock to serve as an Assistant Prosecuting Attorney. City Attorney Mac McCarroll recommends this appointment.

MOTION: To approve the appointment of Barak Babcock to serve as an Assistant Prosecuting Attorney through December 31, 2022.

Appointment – Beautification Commission

There were two positions on this commission not filled at the Special Called Meeting held on December 15, 2021. Mrs. Linda Reyle has applied to serve.

MOTION: To appoint Linda Reyle to the Beautification Commission with a term ending December 31, 2022.

Appointment – Economic Development Commission – Removed by Administration

Appointment – Neighborhood Preservation Commission – Allbright

There was one position on this commission not filled at the Special Called Meeting held on December 15, 2021. Mrs. Cheron Allbright has applied to serve.

MOTION: To appoint Cheron Allbright to the Neighborhood Preservation Commission with a term ending December 31, 2022.

Appointment – Neighborhood Preservation Commission – Pakis-Gillon

There has been one resignation to the Neighborhood Preservation Commission. Mrs. Adrienne Pakis-Gillon has applied to serve.

MOTION: To appoint Adrienne Pakis-Gillon to the Neighborhood Preservation Commission with a term ending December 31, 2022.

Appointment – Retirement Plan Administration Commission/OPEB

There was one position on this commission not filled at the Special Called Meeting held on December 15, 2021. Mr. Carlin Stuart has expressed his desire to serve on the commission.

MOTION: To appoint Carlin Stuart to the Retirement Plan Administration Commission/OPEB with a term ending December 31, 2022.

Bid Rejection – Demolition of Accessory Building at 7075 Poplar Pike

The City has been involved in multiple court cases since 2013 related to an accessory building that was constructed illegally at 7075 Poplar Pike. Final resolution was reached in Shelby County Circuit Court when a court order was issued allowing the City to undertake the demolition of the building. All bid responses exceeded the budget amount for the project. As a result, staff is recommending the formal rejection of all bids submitted for the demolition.

MOTION: To formally reject all bids for the demolition of the accessory building at 7075 Poplar Pike.

Contract – Fox Hill Circle E Drainage Improvements

A 30-foot section of a 76-inch diameter corrugated metal pipe (CMP) at 2700 Fox Hill Circle East has some structural failures which has previously caused a sinkhole to occur within the public drainage easement of a residential lot. The sinkhole has been repaired multiple times but the pipe has deteriorated to a point that there are concerns that the 30-foot section of CMP will allow the fill soil to enter the pipe and cause another sinkhole. With knowledge of the history of structural failures of this CMP, Engineering staff requested a scope of services for the survey, engineering design and construction administration. EnSafe, LLC. was approved to provide engineering services and completed the design/construction/bid package for the project in November of 2021. City staff submitted a request for funding of this capital improvement project for removal and replacement of this section of pipe and other drainage improvements to be included in the FY22 Budget. The BMA approved funding for this project with the approval of the FY22 Budget.

MOTION: To approve a contract with ENSCOR, LLC. in the amount of \$61,000.00 for removal and replacement of the culvert at 2700 Fox Hill Circle E and other drainage improvements.

Contract – Neshoba Lake Asphalt Recreational Trail Resurfacing

The 2,800 linear feet section of the existing greenway will begin at the pedestrian bridge north of Neshoba Lake and continue along the banks of the Wolf River to the pedestrian bridge north of 7600 Wolf River Blvd. This section of greenway was originally installed in 2000 along the banks of the Wolf River. Wolf River flooding, tree roots and normal wear have exhausted the useful life of the asphalt causing multiple cracks, sinks, and unusual elevations changes along the trail. This project is part of the annual preventive maintenance program for existing trails in the City's park system.

MOTION: To authorize the Mayor to enter into a contract with Gibson Paving, Inc. for asphalt resurfacing of Neshoba Lake Recreational Trail in the amount of \$57,400.00.

Emergency Purchases – Ice Storm Debris Collection and Disposal

On February 4, 2022, the Mayor executed a state of emergency for the ice storm and Administration notified the Board of these actions. This declaration was submitted to the Shelby County Emergency Management Agency and initiates the process for possible reimbursement from federal sources. After notification to the Board, Staff moved forward with emergency purchase authorization of \$24,999.99 for each vendor per City procedures. Staff expects the use of these emergency contracts to terminate by February 25, 2022.

MOTION: To ratify and approve emergency purchases in not-to-exceed purchase amounts from Quad County Environmental for \$75,000.00; Brightview Landscaping Services for \$50,000.00; Michael's Tree & Loader for \$100,000.00, and Debris Tech for \$30,000.00, for a total not-to-exceed amount of \$255,000.00; and to approve Amendment No. 1 with Brightview Landscaping Services, Inc.

Payment – Mill and Overlay – WRB & Neshoba Design

In October of 2020, the City entered into a TDOT Local Programs contract for the resurfacing of Neshoba Road from Germantown Road to Exeter Road and Wolf River Blvd. from Riverdale Road to the western city limits.

Per TDOT's requirements for this project, the City will be responsible for payment of its 20% share of each phase. TDOT requests the City's 20% share of each of these phases at the appropriate time as the project progresses. The total cost for Final Design phase is \$104,540.04 and requires a payment in the amount of \$20,909.00 to be paid to TDOT.

MOTION: To approve payment to TDOT in the amount of \$20,909.00 (City's 20% share) for the final design of the mill and overlay of segments of Neshoba Road and Wolf River Blvd.

Purchase – Police Vehicle

Funding was approved for purchases as part of the FY22 IRP Budget. Vehicle lifecycles vary between user departments. Service vehicles under extreme usage, such as patrol vehicles, are usually replaced every 4 to 8 years, where others might be replaced every 8 to 12 years. However, the replacement years can be extended due to limited utilization of certain vehicles.

MOTION: To approve the purchase of one new vehicle from Ford of Murfreesboro in the amount of \$38,732.00 and authorization to declare unit 3118 as surplus property.

Motion by Mr. McCreery, seconded by Ms. Hicks, to approve the consent agenda as read as amended.

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

REGULAR

Ordinance 2021-16 - Amendments to the Vegetation Ordinance Chapter 22 – Third and Final Reading

On July 15, 2021, at their Visioning Session, the Board of Mayor and Alderman requested updates to the City's Vegetation Ordinance. At their work session on October 21, 2021, the Board recommended that the proposed changes to the ordinance be drafted. There were no changes proposed at the first reading on December 13, 2021, or at the second reading and public hearing on January 24, 2022.

Motion by Mr. Sanders, seconded by Ms. Hicks, to approve Ordinance 2021-16, amendments to the Vegetation Ordinance (Chapter 22) in the Municipal Code, on third and final reading.

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

Resolution 22R06 – Support for Increased Basic Education Program Funding by the State of Tennessee in Support of Student Success and a Fiscally Responsible Approach to Local Contributions – Removed by Administration

Meeting adjourned.

Mike Palazzolo, Mayor

Michele Betty, City Clerk/Recorder