

**BOARD OF MAYOR AND ALDERMEN**  
**November 28, 2022**

The regular meeting of the Board of Mayor and Aldermen was held on Monday, November 28, 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: Michele Betty, Taylor Cates, Richard Hall, Jason Huisman, Mac McCarroll, Lisa Piefer, Cameron Ross, Natalie Ruffin and Andy Sanders

**Call to Order**

The Mayor called the meeting to order.

**Invocation**

The invocation was led by Andy Sanders.

**Pledge of Allegiance**

Alderman McCreery led the Pledge of Allegiance.

Mayor Palazzolo stated for the record, the Board of Mayor and Aldermen met in a closed session, at 5 p.m. this evening, to discuss pending litigation.

**Set Agenda**

The Board is asked to set the agenda for the meeting. Any changes are to be made at this time.

Motion by Ms. Gibson, seconded by Mr. Sanders, to approve the November 28, 2022 agenda.

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 November 14, 2022.

Motion by Mr. McCreery, seconded by Ms. Hicks, to approve the minutes of the regular meeting held November 14, 2022.

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

**Citizens to be Heard**

No citizens came forward.

**SPECIAL RECOGNITION**

**Germantown Education Commission Teacher of the Month – November 2022**

The November 2022 Teacher of the Month Award winner is Ms. Cindy Geyer, a math teacher and Mathematics Department Chair at Germantown High School.

**Germantown Education Commission Youth Excellence Award – November 2022**

The November 2022 Youth Excellence Award winner is Brittain Brewer, a senior at St. Agnes Academy.

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

**BEER BOARD – Public Hearing – Temporary Beer Permit – On-premise Application – The Grand Krewe of RaMet**

The City is in receipt of a request from The Grand Krewe of RaMet for a temporary on-premise beer permit for their Coronation to be held on Saturday, January 21, 2023, from 7 to 11 pm, at the Great Hall & Conference Center.

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

Motion by Mr. Sanders, seconded by Mr. Ueleke, to approve the request of The Grand Krewe of RaMet for a temporary permit to sell beer for on-premise consumption on Saturday, January 21, 2023, from 7 to 11 pm, at the Great Hall & Conference Center, located at 1900 S. Germantown Road.

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

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

**CONSENT AGENDA**

**PEG Disbursement to GMSD – 1<sup>st</sup> Quarter**

The disbursement of Public, Education and Government (PEG) funding in the amount of \$31,653.01 to the Germantown Municipal School District is for the use of capital equipment at the Germantown Municipal Television Station. The funds from the first quarter of fiscal year 2023 are from July 1, 2022 through September 30, 2022.

MOTION: To authorize the disbursement of PEG funding collected by the City to the Germantown Municipal School District in the amount of \$31,653.01.

**Professional Services Agreement – Parks Wayfinding Sign Program**

In 2017, the Mayor appointed a citizen group to assist in evaluating and improving greenways, bikeways and pedestrian trails/walkways. A key finding was that consistent, well designed wayfinding signage does not exist. This funding request identifies a phased approach for creating a unified wayfinding system throughout all public properties including trails, greenways and parks as identified by the Bike and Pedestrian Commission and Parks and Recreation Commission. Phase I includes the design work and review. Phase II and III will be dedicated to sign purchases and installations.

MOTION: To authorize an agreement with Corbin Design, Inc. to provide professional services for the development of a comprehensive sign program for Phase I of the Germantown Parks and Trails Wayfinding Sign Program in the amount of \$101,490.00.

**Purchase – Fuel**

The City regularly purchases fuel for use in the fleet of cars, trucks and heavy equipment. Underground fuel storage tanks are maintained at Public Services, Central Fire Station and Dogwood Fire Station. These refueling locations utilize a fuel management software system using a proprietary identification system that links the fuel key to the specific vehicle and is capable providing various types of reports.

MOTION: To authorize the purchase gasoline and diesel fuel from Roberts Gibson, Inc. per the fixed rate markup amount of \$0.03 per gallon for the next twelve (12) month period.

**Purchase – GETAC In-car Video System**

In-car video systems allow the Police Department to use video technology in daily field operations. The use of this equipment would enhance the ability of the department to review probable cause for arrest, arrest procedures, evaluate Officer performance, identify training needs, and either substantiate or exonerate officers accused of inappropriate conduct or behavior. The equipment would also be another component of officer safety. These 10 in-car video units are additional units to be installed into 10 new replacement vehicles. The GETAC in-car camera systems are a newer technology system that the police department is phasing in to replace older cameras.

MOTION: To approve the purchase of ten (10) GETAC in-car camera systems, accessories and services from Brite Computers in the amount of \$64,830.00.

Motion by Mr. McCreery, seconded by Ms. Gibson, to approve the consent agenda as presented.

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

**REGULAR**

**Ordinance 2022-8 – Amendment to Chapter 2, Article V, Division 22, Section 2-295.1(J) – Municipal School Board Compensation – Second Reading and Public Hearing**

At the BMA visioning session on August 1, 2022, the topic of increasing Germantown Board of Education (GBOE) member compensation was proposed for discussion. City staff has conferred with the City's legal team and counsel from the Municipal Technical Advisory Service to confirm the GBOE has the authority to establish their own compensation policies. Therefore, staff recommends amending subsection (j) to allow for the GBOE to establish their own levels of compensation.

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

Motion by Ms. Gibson, seconded by Mr. Sanders, to approve Ordinance 2022-8 on second reading.

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

**Development Contract No. 1244 – The Congregation**

The current request is for the approval of a development contract to permit construction of a commercial center which includes demolition of the existing structures and redevelopment of the property with three new buildings. The subject property is Lot 2 of the Crye Leike commercial subdivision and is currently developed with two vacant buildings. These structures include a church building that most recently operated a day care and a house that operated a hair salon.

Motion by Mr. McCreery, seconded by Ms. Gibson, to approve Development Contract No. 1244 for The Congregation development.

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

**Development Contract No. 1245 – Thornwood Planned Development (P.D.) Phase 7**

On May 12, 2014, the Thornwood PD Outline Plan was approved by the BMA. An amended Outline Plan to allow a second hotel use within the planned development was approved by the Planning Commission on February 4, 2020. There is only an undeveloped portion of the existing Lot 5 remaining within this PD, which contains Phases 7 and 8. On August 3, 2021, the Planning Commission approved the Final Plan for Phase 7 of the Thornwood PD, and on September 13, 2021, the BMA approved this Final Plan. The current request is for the approval of a development contract to permit construction of Phase 7. This approval will allow 54 multi-family residential units and 1,853 s.f. of retail use on a 1.243-ac. lot within the Outline Plan boundaries of the Thornwood PD.

Motion by Mr. McCreery, seconded by Mr. Sanders, to approve Development Contract No. 1245 for Phase 7 of the Thornwood Planned Development (PD).

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

**Revised Final Plan – Travure Phase 4**

On July 27, 2015, the BMA approved of an Outline Plan for a mixed-use development called Travure that would be constructed in four phases. On December 8, 2015, the Planning Commission granted approval of an amended outline plan as well as final approval for Phases 1-3 and preliminary plan approval for Phase 4 (a 34,100 square foot, two-story retail/office building with surface parking). On November 1, 2016, the PC approved a revised Phase 4 preliminary plan and a final plan that allowed for a 47,396 square foot, three-story building with an associated underground garage and surface parking. A second revision to the Phase 4 final plan was approved, on September 4, 2018, by the Planning Commission for a two-story, 34,592 square foot building with surface parking only. The currently proposed revised final plan for this phase of development is for a 56,136 square foot, three-story retail/office building with surface parking.

Motion by Mr. McCreery, seconded by Ms. Gibson, to approve the revised final plan for Phase 4 of the Travure Planned Development (PD).

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

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

**BEER BOARD HEARINGS**

**Beer Board Hearing – Suspension/Revocation of Beer License – Circle K – 1351 S. Germantown Road**

The underlying basis for the suspension or revocation being the violation of Section 3-81 of the Germantown City Ordinance and Section 57-5-301 of the Tennessee Code Annotated pertaining to the sale of beer to persons designated by the State to be a minor. The Germantown Police Department served notice of this hearing to the Circle K on October 24, 2022. The notice states a hearing date of November 28, 2022. City Prosecutor, Taylor Cates, will represent the City at this hearing.

This Circle K location received its beer permit on June 12, 2017 and has one prior beer ordinance violation. On February 12, 2018, this Circle K location was found guilty of sale of beer to a minor and received a \$1,500.00 civil penalty.

On September 23, 2022, the Germantown Police Department conducted an undercover sting investigation of beer permit holders in Germantown. On that date a Cooperating Individual (CI) under the age of 21, working with the Germantown Police Department, was sold beer by the defendant. The defendant did check the CI's identification. Officer R. Cordo did witness the transaction and issued the defendant a misdemeanor citation. This incident is a direct violation of the Germantown Beer Ordinance Section 3-82 through 3-89 of selling beer illegally to any person less than twenty-one years of age. The Beer Board has the authority to issue a civil penalty of up to \$2,500.00 or suspend or revoke the beer permit if it deems appropriate (Section 3-84). Mr. Chad Long, a district manager, represented Circle K.

Motion by Mr. Sanders, seconded by Ms. Gibson, to find Circle K, located at 1351 S. Germantown Road, guilty of a violation of the Germantown Beer Ordinance regarding selling beer to a minor.

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

Motion by Mr. Ueleke, seconded by Ms. Hicks, to fine the defendant a civil penalty of \$2,500.00.

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

**Beer Board Hearing – Suspension/Revocation of Beer License – Kroger Food Store – 7735 Farmington Blvd.**

The underlying basis for the suspension or revocation being the violation of Section 3-81 of the Germantown City Ordinance and Section 57-5-301 of the Tennessee Code Annotated pertaining to the sale of beer to persons designated by the State to be a minor. The Germantown Police Department served notice of this hearing to Kroger on October 24, 2022. The notice states a hearing date of November 28, 2022. City Prosecutor, Taylor Cates, will represent the City at this hearing. This Kroger location received its beer permit on June 22, 2015 and has no prior beer ordinance violations.

On September 23, 2022, the Germantown Police Department conducted an undercover sting investigation of beer permit holders in Germantown. On that date a Cooperating Individual (CI) under the age of 21, working with the Germantown Police Department, was sold beer by the defendant. The defendant did check the CI's identification. Officer Catterton did witness the transaction and issued the defendant a misdemeanor citation. This incident is a direct violation of the Germantown Beer Ordinance Section 3-82 through 3-89 of selling beer illegally to any person less than twenty-one years of age. The Beer Board has the authority to issue a civil penalty of up to \$2,500.00 or suspend or revoke the beer permit if it deems appropriate (Section 3-84).

A representative from Kroger did not contact the City and did not appear at the hearing to plead their case.

Motion by Mr. Sanders, seconded by Ms. Gibson, to find Kroger, located at 7735 Farmington Blvd., guilty of a violation of the Germantown Beer Ordinance regarding selling beer to a minor.

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

City Prosecutor Cates proposed to continue the hearing and provide a Notice to Show Cause to the defendant to include a synopsis of why the defendant was found guilty by the Beer Board. Following the proposal by Mayor Palazzolo, the Beer Board agreed, without objection to have a second hearing on Monday, January 9, 2022 for the punishment phase.

Meeting adjourned.

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Mike Palazzolo, Mayor

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Michele Betty, City Clerk/Recorder