

BOARD OF MAYOR AND ALDERMEN
October 23, 2023

The regular meeting of the Board of Mayor and Aldermen was held on Monday, October 23, 2023, at 6 p.m., in the Council Chambers at City Hall.

Mayor 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, Paul Chandler, Tony Fischer, Mike Fisher, Sarah Goralewski, Eric Grizzard, Jason Huisman, Caleb Marcum, Mac McCarroll, Cameron Ross, Natalie Ruffin, Andy Sanders, and William Stemmler.

Call to Order

The Mayor called the meeting to order.

Invocation

The invocation was led by Cameron Ross.

Pledge of Allegiance

Alderman Mary Anne Gibson led the Pledge of Allegiance.

Set Agenda

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

Mayor Palazzolo, on behalf of the Administration, requested that Consent Agenda item #10k. Purchase - Salt Canopy Replacement be deferred to a later date. There was no objection.

Alderman McCreery motioned, without objection, to move the following from the Regular Agenda to the Consent Agenda: #15 Approval of the Final Plan – Glasgow Planned Unit Development (PUD), Phase 2; #16 Approval of the Final Plan – Glasgow Planned Unit Development (PUD), Phase 3; #17 Approval of the Public to Private Street Conversion – Olde Field Green Subdivision; and #18 Approval of the Public to Private Street Conversion – Olde Field Green Subdivision 1st Addition.

Motion by Mr. McCreery, seconded by Ms. Gibson, to approve the October 23, 2023 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 September 25, 2023.

Motion by Mr. Sanders, seconded by Mr. Ueleke, to approve the minutes of the Board of Mayor and Aldermen Regular Meeting held September 25, 2023.

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

Citizens to be Heard

No citizens came forward.

Presentation – Water Contamination Independent Review – James Lewellen

James Lewellen was asked to conduct a review of the July 2023 water contamination emergency to assist the City in determining if improvements are needed in the City’s operating procedures and in the emergency operations planning and processes. Mr. Lewellen presented his findings to the Board of Mayor and Aldermen.

SPECIAL RECOGNITION

Beautification Commission Business Award

Terri Hannah Home & Garden, located at 2110 Merchants Row, is the recipient of the October 2023 Beautification Commission Business Award.

Germantown Education Commission Teacher of the Month – October 2023

Ms. Blanche Barron, a kindergarten teacher at Riverdale School, is the October 2023 Teacher of the Month Award winner.

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

BEER BOARD

Public Hearing – Beer Permit – On-premise Application – Boots and Beer, LLC

The City has received a request from Boots and Beer, LLC for a permit to provide beer for on-premise consumption at Boots and Beer, located at 2031 West Street, Suite 111.

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 Ms. Gibson, to approve the request of Boots and Beer, LLC for a permit to provide beer for on-premise consumption at Boots and Beer, located at 2031 West Street, Suite 111.

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

Public Hearing – Beer Permit – On-premise Application – D&J New Asia, Inc.

The City has received a request from D&J New Asia, Inc. for a permit to sell beer for on-premise consumption at New Asia, located at 2075 Exeter Road.

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 Ms. Gibson, to approve the request of D&J New Asia, Inc. for a permit to sell beer for on-premise consumption at New Asia, located at 2075 Exeter Road.

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

Public Hearing – Beer Permit – On-premise Application – Local Lime – Saddle Creek, LLC

The City has received a request from Local Lime – Saddle Creek, LLC. for a permit to sell beer for on-premise consumption at Local Lime, located at 7605 West Farmington Blvd.

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 Ms. Gibson, to approve the request from Local Lime – Saddle Creek, LLC. for a permit to sell beer for on-premise consumption at Local Lime, located at 7605 West Farmington Blvd. #1.

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

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

CONSENT AGENDA

Amendment No. 1 – Cooperative Performing Arts Agreement

In 2021, the Germantown Performing Arts Center (GPAC) received a three-year federal grant called the Cultural Recovery Grant, which provided funding for personnel. GPAC created two positions to join the technical department in 2022 as independent contractors. The Cooperative Performing Arts Agreement entered into between GPAC and the City in 2005 states that employees working at GPAC will be City employees. This text amendment to the 2005 Agreement recognizes that these positions will be employees of GPAC.

MOTION: To approve Amendment No. 1 to the Cooperative Performing Arts Agreement between the City of Germantown and the Germantown Performing Arts Center.

Contract – Holiday Decorations and Installation

In 2022, staff requested a program change to the FY23 budget on behalf of the Beautification Commission to create a new and effective approach to holiday decorating in public spaces by outsourcing the design and installation to a professional holiday lighting vendor. This was to elevate the standards and aesthetics of Germantown’s holiday decorations and to increase the curb appeal in public spaces during the holiday season. The City has identified five areas to be decorated which include Municipal Park, Germantown Municipal Center and City Hall, the Former Iris Garden and Depot Park.

MOTION: To approve a contract with Lumenate to provide holiday lighting throughout specified areas in an amount not-to-exceed \$40,000.00 for the period of November 17, 2023, through February 23, 2024.

Contract –Tennessee Department of Safety & Homeland Security School Resource Officer Grant

The State of Tennessee is offering cost sharing assistance to law enforcement agencies across the State of Tennessee for their School Resource Officer programs once they have adopted a Memorandum of Understanding (MOU) as provided by the State of Tennessee. The MOU sets forth guidelines to ensure that the Germantown Police Department and the Germantown Municipal School District have a shared understanding of the role and responsibilities of each in maintaining safe schools, improving school climate, and supporting educational opportunities for all students. The City adopted the MOU on August 28, 2023. The financial assistance provided under Tennessee Department of Safety and Homeland Security Grant is \$75,000.00, per SRO, per school.

MOTION: To approve the Tennessee Department of Safety and Homeland Security Grant Contract No. 34901-01482 to receive \$450,000.00 in funding to support the Germantown Police Department School Resource Officer Program for the period of July 1, 2023, through June 30, 2024.

Contract Extension – Street Striping and Pavement Markings

The Public Works Department has implemented an annual program to apply thermoplastic street striping and pavement markings to streets where the condition of the asphalt is rated at an acceptable level, but due to traffic and weather, the street striping and pavement markings are deteriorating and/or fading away. This program has enhanced the safety of motorists and pedestrians as they travel City streets, sidewalks and pathways by replacing worn striping with new thermoplastic striping that maximizes visibility of striping and retro-reflectivity.

MOTION: To approve a contract extension with Traf-Mark Industries LLC in an amount not-to-exceed \$140,000.00 for thermoplastic street striping and pavement markings in FY24.

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

The Germantown Education Foundation is an independent, 501(c)3, not-for-profit corporation that raises funds to directly support the public education of children in 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.

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 \$**Error! Reference source not found.**

Donations – Parks and Recreation

Businesses, organizations and citizens often reach out to the Parks and Recreation Department with a desire to invest in city parks, support programs and/or assist with purchasing furnishings such as park benches to be placed in city parks. The following is a summary of the financial gifts received:

Kyle Schusteen-Smith donated \$1,000.00 for a park bench to be placed at the Bobby Lanier Farm Park in memory of Debbie Smith; Shawn Raines donated \$1,000.00 for a park bench to be placed at Cameron Brown Park in memory of Ian Rollins Raines and the Germantown Chamber of Commerce donated \$3,380.00 for event sponsorship “Farm Park Halloween Boo-Looza.”

MOTION: To recognize and accept donations made to the Parks and Recreation Department during the first quarter of FY24 totaling \$5,380.00, and to approve Budget Adjustment No. 24-31 and 24-32.

Contract – Ready-Mix Concrete

Concrete mix is used primarily for street maintenance repairs, utility cuts, curb, gutter, water table repairs, and stormwater maintenance projects. Public Works will make the request to the vendor to be delivered to the job site as needed for immediate application.

MOTION: To authorize the purchase not-to-exceed \$65,000 for 350 cubic yards of ready-mix concrete and additives from West Tennessee Ready Mix LLC.

Purchase – Grant Funded Police Equipment

The Germantown Police Department (GPD) received grant approval from the State of Tennessee to purchase a mobile command vehicle for use to respond to violent or potentially violent incidents. The subgrant contract was approved by the BMA on September 25, 2023. The collaborative sub-grant contract with the City of Bartlett for the Violent Crime Intervention Fund defines how GPD will receive funding and reimbursement for the acquisition of approved Police equipment not-to-exceed \$378,779.00. The GPD will submit documentation to the City of Bartlett for reimbursement of police equipment. Approved equipment items are 100% grant funded through this program.

MOTION: To approve the purchase of fifty-seven (57) sets of body armor from Midsouth Solutions in the amount of \$39,786.00 and twenty-nine (29) Sig Sauer patrol rifles and accessories from Accurate Law Enforcement in the amount of \$42,356.24 for a total of \$82,142.24.

Purchase – Grant Funded Police Vehicle

The Germantown Police Department (GPD) received grant approval from the State of Tennessee to purchase a mobile command vehicle for use to respond to violent or potentially violent incidents. The subgrant contract was approved by the BMA on September 25, 2023. This collaborative sub-grant contract with the City of Bartlett for the Violent Crime Intervention Fund defines how GPD will receive funding and reimbursement for the acquisition of approved Police equipment not-to-exceed \$378,779.00. The GPD will submit documentation to the City of Bartlett for reimbursement of police equipment. Approved equipment items are 100% grant funded through this program.

MOTION: To authorize the purchase of a Sprinter mobile command vehicle for the Germantown Police Department from Mobile Concepts Specialty Vehicles in the total amount of \$187,984.00.

Purchase – Inclusive Playground at Municipal Park

On September 11, 2023, the Board of Mayor and Aldermen approved a grant contract with the Tennessee Department of Intellectual and Developmental Disabilities in the amount of \$489,435.80. This funding will be utilized for the procurement of a vendor who will demolish the current structure and install an inclusive playground in Municipal Park. ADA accessible pathways will be laid to connect the playground to City Hall, GAC, GPAC and the Grove, creating a hub of cultural and recreational amenities accessible to adults and children of all abilities. Germantown Parks and Recreation partnered with Cunningham Recreation, a leader in playground design and installation, to prepare a design for the new inclusive play destination at the park.

MOTION: To approve the purchase and installation of the Inclusive Playground at Municipal Park in the amount of \$489,435.80 from Cunningham Recreation.

Purchase – Salt Canopy Replacement – DEFERRED

Sport Provider Agreements – Germantown Baseball League, Germantown Legends, Houston Lacrosse and Germantown Rugby Club

The City implements agreements with local youth sport provider organizations to provide certain athletic programs for children on athletic fields located in the City in which the Parks and Recreation Department makes available. These programs are organized, scheduled, and operated on behalf of the Parks and Recreation Department by the City's designated Sport Providers in conjunction and cooperation with the city.

MOTION: To approve the provider agreements for the City of Germantown with the Germantown Legends to be the Youth Soccer Provider; with the Houston Lacrosse Club to be the Youth Lacrosse Provider; with the Germantown Baseball League to be the Youth Baseball and Softball Provider; and with the 901 Rugby Club to be the Youth Rugby Provider for the period of January 1, 2024, through December 30, 2024, with two (2) additional one-year extensions at the City's option.

Proposal Rejection – Self-Funded Third-Party Administrator and Stop Loss Services

On August 28, 2023, the Board of Mayor and Aldermen approved the use of the Request for Proposal (RFP) process to solicit proposals for TPA Services for Medical, Stop Loss, Dental, Vision, Pharmacy, COBRA and FSA. Procurement received one proposal. After speaking with vendors, the lack of response is partly due to additional time needed to secure sufficient claims data for stop loss quotes. Staff recommends the rejection of the proposal to reissue the RFP for Self-Funded Third-Party Administrator only or to extend the current contract.

MOTION: To reject the proposal received for RFP2024-004 Self-Funded Third-Party Administrator and Stop Loss Services.

Approval of the Final Plan – Glasgow Planned Unit Development (PUD), Phase 2

The current request is to approve Glasgow PUD, Final Plan - Phase 2, a single-family residential development which consists of 113 lots. Phase 2 will also consist of five common open space areas that include private streets/alleys, guest parking, linear park, pedestrian trails and natural buffer areas. On September 5, 2023, the Planning Commission recommended approval of this Final Plan and on September 26, 2023, the Design Review Commission also recommended approval as well.

MOTION: To approve of Phase 2 of the Final Plan (113 lots) for the Glasgow Planned Unit Development (PUD).

Approval of the Final Plan – Glasgow Planned Unit Development (PUD), Phase 3

The current request is to approve Glasgow PUD, Final Plan - Phase 3, a single-family residential development which consists of 103 lots. Phase 3 will also consist of 7 common open space areas that includes private streets/alleys, guest parking, pedestrian trails and natural buffer areas. On September 5, 2023, the Planning Commission recommended approval of this Final Plan and on September 26, 2023, the Design Review Commission also recommended approval as well.

MOTION: To approve of Phase 3 of the Final Plan (103 lots) for the Glasgow Planned Unit Development (PUD).

Approval of the Public to Private Street Conversion – Olde Field Green Subdivision

Olde Field Green, LLC, is requesting to convert all streets in the subdivision from public to private in order to add gates to the subdivision entrance. On September 5, 2023, the Planning Commission recommended approval of this public to private street conversion and on September 26, 2023, the Design Review Commission also recommended approval as well.

MOTION: To approve of the public to private street conversion for Olde Field Green Subdivision.

Approval of the Public to Private Street Conversion – Olde Field Green Subdivision 1st Addition

The applicant, Followell/Smith Development, LLC, is requesting to convert all streets in the subdivision from public to private in order to add gates to the subdivision entrance. On September 5, 2023, the Planning Commission recommended approval of this public to private street conversion and on September 26, 2023, the Design Review Commission also recommended approval as well.

MOTION: To approve of the public to private street conversion for Olde Field Green Subdivision 1st Addition.

Motion by Mr. McCreery, seconded by Ms. Gibson, to approve the Consent Agenda as amended.

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

REGULAR AGENDA

Resolution 23R11– Appointment of Police Chief

At the BMA meeting on September 25, 2023, the Mayor designated Mike Fisher as the Interim Police Chief upon the retirement of former Police Chief, Richard Hall. Section 12.01 of the City charter states, “The Mayor shall appoint and/or dismiss and the Board shall confirm such appointment or dismissal and fix the salary of the Chief of Police, who shall serve at the direction of the Mayor under such rules and regulations as may be prescribed by the Board of Mayor and Aldermen.” The Mayor is now bringing his official appointment for the position of Police Chief to the BMA for their confirmation.

Motion by Ms. Gibson, seconded by Mr. Sanders, to approve Resolution 23R11, approving the appointment of Mike Fisher as Chief of Police.

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

Ordinance 2023-15 – Amendment to Chapter 2 – Article V, Division 24, Bicycle and Pedestrian Commission – Second Reading and Public Hearing

During Fiscal Year 2023, Alderman McCreery brought forth a request to amend the City’s existing Bicycle and Pedestrian Commission to become the Transportation Commission in order to broaden the purpose of the commission to all modes of transportation and to better align the commission’s efforts with the Forward 2035 Strategic Plan. This request was well received and supported by existing commission members.

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

Motion by Mr. McCreery, seconded by Ms. Hicks, to approve Ordinance 2023-15 on second reading, amending Chapter 2 Administration, Article V, Division 24 for the Bicycle and Pedestrian Commission to become the Transportation Commission.

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

Resolution 23R10 – The Viridian Planned Unit Development Amended Outline Plan and Warrants – Public Hearing

The applicant seeks approval to amend the originally recorded Outline Plan, pursuant to 23-573 and 23-574. The developer is proposing a 109-lot single-family residential development, consisting of two phases. This application is being filed in accordance with both the SmartCode (Article VII) and Planned Unit Development (Article III Division 19) regulations of the City’s Zoning Ordinance (Chapter 23).

WARRANT 1: Sec. 23-769(2)(B) – “70% maximum lot coverage” - The applicant believes that the 70% maximum lot coverage was not intended for single-family development, but more for mixed use developments. Some of the smaller lots will have a lot coverage greater than 70% when developed.

WARRANT 2: Sec. 23-796(A)(5) - “All street lights within the SmartCode zoning districts shall be the standard MLGW decorative fluted cast iron top streetlight.” As these are proposed private streets, the applicant desires the flexibility to use a streetlight other than MLGWs.

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

Motion 1 by Mr. McCreery, seconded by Ms. Hicks, to approve Resolution 23R10 for The Viridian Planned Unit Development (PUD) Amended Outline Plan.

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

Motion 2 by Mr. McCreery, seconded by Ms. Hicks, to approve a warrant from Sec. 23-769(2)(B) – “70% maximum lot coverage”: The applicant believes that the 70% maximum lot coverage was not intended for single-family development, but more for mixed use developments. Some of the smaller lots will have a lot coverage greater than 70% when developed.

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

Motion 3 by Mr. McCreery, seconded by Ms. Hicks, to approve a warrant from Sec. 23-796(A)(5) – “All street lights within the SmartCode zoning districts shall be the standard MLGW decorative fluted cast iron top streetlight.” As these are proposed private streets, the applicant desires the flexibility to use a streetlight other than MLGWs.

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

Ordinance 2023-19 – Amendment to Chapter 2, Article V, Division 6 – Tree Board – First Reading and Set Public Hearing

The amended and Board approved Vegetation Ordinance, sets new responsibilities for the Tree Board. It is important that the amended changes to the Vegetation Ordinance correlate with the Tree Board to properly carry out their duties.

Motion by Mr. Sanders, seconded by Ms. Gibson, to approve Ordinance 2023-19 on first reading, amending the membership and responsibilities of the Tree Board in Chapter 2, Article V, Division 6, and set the second reading and public hearing date for November 27, 2023.

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