

BOARD OF MAYOR AND ALDERMEN
February 12, 2024

The regular meeting of the Board of Mayor and Aldermen was held on Monday, February 12, 2024, 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, Nick Godwin, Sarah Goralewski, Jason Huisman, Michael Lee, Mac McCarroll, Lisa Piefer, Cameron Ross and Andy Sanders.

1. **Call to Order**

The Mayor called the meeting to order.

2. **Invocation**

The invocation was led by Cameron Ross.

3. **Pledge of Allegiance**

Scout Troop 368 (Farmington Presbyterian Church) and WEBELOS II Den Pack 367 (Germantown Presbyterian Church) presented the colors and led the Pledge of Allegiance.

4. **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 February 12, 2024 agenda.

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

5. **Approval of Minutes**

Approval is requested of the minutes of the regular meeting held January 22, 2024.

Motion by Mr. Ueleke, seconded by Mr. McCreery, to approve the minutes of the Board of Mayor and Aldermen regular meeting held January 22, 2024.

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

6. **Citizens to be Heard**

No citizens came forward.

7. **SPECIAL RECOGNITION**

a. **Germantown Education Commission Teacher of the Month – January 2024**

The January 2024 Teacher of the Month Award winner is Mr. Nicholas Brashier, a fifth-grade science and social studies teacher at Riverdale School.

b. **Germantown Education Commission Youth Excellence Award – January 2024**

The January 2024 Youth Excellence Award winner is Maggie Kustoff, a Senior at St. Mary's Episcopal School.

c. **Germantown Education Commission Teacher of the Month – February 2024**

The February 2024 Teacher of the Month Award winner is Ms. Jennifer Brenneman, a gifted-instruction teacher at Forest Hill Elementary.

d. **Germantown Education Commission Youth Excellence Award – February 2024**

The February 2024 Youth Excellence Award winner is Reeya Sharma, a Senior at St. Mary's Episcopal School.

8. **CONSENT AGENDA**

a. **Acceptance – Amended GPAC Bylaws**

In April of 2020, the GPAC Board of Directors (Board) agreed to amend the bylaws to allow any Board members whose term was set to expire on June 30, 2020 to remain as a director until June 30, 2021. The 2020 amendment provided board member continuity during the 2020 COVID-19 pandemic. The Board and staff updated the bylaws with legal consultation from Burch, Porter & Johnson and Lewis Thomason, P.C. The amended and restated bylaws remove redundant language, modernize legal terminology, and better reflect current operational practices. Additionally, the updated bylaws increased the maximum number of board members from 19 to 25, and the COVID-19-related amendment from 2020 was removed.

MOTION: To accept the amended bylaws of the Germantown Performing Arts Center.

b. **Competitive Sealed Proposal Authorization –Tennis and Pickleball Professional Services**

For the past five years, the Parks and Recreation Department has contracted with Smashing Aces Tennis to provide delivery services for the sport of tennis for all groups at Municipal Park Tennis Courts. The term for the current contract expires in May, 2024. The sport of Pickleball continues to grow and there is a high demand for instruction and tournament play at the Cameron Brown Pickleball Complex. The competitive sealed proposal process will allow staff to examine the qualifications, experience and the vendor's ability to provide diverse activity for the proposed sports in terms of various age groups, gender, and physically and intellectually challenged.

MOTION: To authorize the use of the competitive sealed proposal process for the procurement of Tennis and Pickleball program delivery services.

c. **PSA Supplemental Amendment No. 3 – Allenby Lakes**

Allenby Lakes capital improvement project will provide the preservation, enhancement, restoration and/or creation of a wetland, stream or habitat conservation area which offsets, or compensates for, expected adverse impacts to similar nearby ecosystems. The construction will consist of re-establishing the normal surface pool elevation of an existing pond located on property near Allenby Lakes Subdivision with downstream restorations and revitalizing wetlands. Supplemental Amendment No. 3 will execute the updating and completion of the engineering and design services in order to release a bid for construction this fiscal year.

MOTION: To approve Supplement Amendment No. 3 to the PSA with ETI in the amount of \$61,440.00 for engineering and design services for the Allenby Lakes capital improvement project.

d. **Purchase – Athletic Field Painter**

Germantown Parks and Recreation manages twenty-six athletic fields and maintains sports field lining for various sports which includes lacrosse, football, baseball, softball, soccer and rugby. Currently, field lining is completed by two to three technicians that utilize manual measurements and large quantities of paint. In an effort to maintain park maintenance standards and to gain efficiencies, the acquiring of a GPS painter will allow for one technician to perform the lining of fields.

MOTION: To approve the purchase of a GPS Athletic Field Painter from SiteOne Landscaping Supply in the amount of \$62,000.00.

e. **Purchase – ClearCom Wireless Intercom System**

As part of the FY24 IRP budget process, funding was approved to begin a multi-year project to replace wireless intercom system. In 2017, the Federal Communications Commission sold the wireless frequency range that the was being used and began to inform users of the change. In 2019, GPAC technical staff was informed by the FCC that the frequency is no longer available, making the wireless

system obsolete. A wireless intercom system is essential for public safety and allows theater technicians to communicate effectively during performances. This system will provide an untethered, hands-free, and full-duplex communication system with strong RF strength, flexibility, and audio quality.

MOTION: To approve the purchase of ClearCom Wireless System equipment for Phase 1 from Conference Technologies, Inc. (CTi) in the amount of \$25,980.63.

f. **Purchase – Dogwood Park Small Playground Equipment Removal & Installation**

In order to improve public safety operations and the cell phone coverage in the area, the City approved installation of a wireless transmission facility (WTF) behind Dogwood Elementary School. This WTF is stationed near Dogwood Park in close proximity to a small playground play station.

In 2010, the City received a grant from the State to renovate the Dogwood Park Playground which includes the small play station. To ensure the necessary steps are being taken to remain in compliance with the grant requirements, several pieces of playground equipment are to be removed and replaced at another location within the park. As part of the approval for the installation of the WTF, the developer agreed to contribute towards the cost of moving the equipment to another location within the park.

As a part of the development process, the developer of the new WTF paid \$17,500.00 for the relocation of the small playground play station because at the time of the installation it was thought that the small station would be relocated and not replaced. After a site inspection, Cunningham Recreation who represents GameTime, the Dogwood Park playground manufacturer, determined the equipment could not be relocated without damaging the station's structural integrity. As a result, the project will include removal of old equipment, purchase of new equipment and new base material.

MOTION: To approve the purchase and installation of playground equipment at Dogwood Park in the amount of \$41,586.70 from Cunningham Recreation.

g. **Purchase – Grant Funded Police Vehicles**

The Police Department received grant approval from the State of Tennessee to use grant funds to purchase a van and pickup truck to reduce violent crime in Germantown. The Germantown Police Department's Special Enforcement Team (SET) is tasked with combating violent crime in the City of Germantown. As such, Police staff are required to conduct surveillance activities throughout the city in non-descript vehicles.

MOTION: To purchase a 2024 Chrysler Pacifica Touring L Van and a 2024 Dodge Ram 1500 SSV Crew Cab Truck for the Germantown Police Department from TT of Columbia at a total cost of \$82,655.00, and to approve Budget Adjustment No. 24-63.

h. **Purchase – Printing and Mailing Services – Utilities**

DataProse and the City of Palm Bay have agreed to allow the City to use T.C.A. § 12-3-1205 in order to "piggyback" off the agreement they have in place. Pricing remains consistent with the previous agreement and can fluctuate based on volume. The Production Agreement with DataProse identifies pricing for goods and services in addition to monthly electronic billing, bill printing and mailing.

MOTION: To authorize the use of the City of Palm Bay, Florida's Production Agreement with Matrix Imaging Solutions, LLC dba DataProse for electronic billing, printing, stuffing and mailing utility bills in an amount not to exceed \$137,560.00.

i. **Purchase – Vehicles**

Typically, vehicles are purchased by utilizing the TN Statewide Contract and the Sourcewell Cooperative Contract pricing in order to receive the best pricing and standardization of fleet operations.

Due to ongoing supply chain issues and manufacturing parts shortages, three vehicle orders approved by the BMA, on June 26, 2023, were canceled by the vendor. Fleet Services staff worked to secure pricing for these replacement vehicles. The replacement vehicle costs were higher due to the continued challenges with inflation and supply chain issues.

MOTION: To approve the purchase of a 2023 Ford F-150 truck, and a Ford F-350 truck from Ford of Murfreesboro in the total amount of \$98,698.00; and a 2024 Ford F-450 Service dump truck from National Auto Fleet Group in the amount of \$88,822.32.

j. **Reimbursement – Overtime Police**

The Police Department has an officer assigned to the Federal Bureau of Investigation Joint Safe Streets Task Force, the Drug Enforcement Administration Task Force, the Terrorism Task Force, the Secret Service Task Force and the Alcohol Tobacco and Firearms Project Safe Neighborhoods Task Force. For these assignments, the officer usually works overtime in the performance of his duties. These Task Forces reimburse any overtime that the officer receives while carrying out his/her duties. The Department of Justice reimbursed \$43,508.88 to the Police Department for the overtime hours.

MOTION: To recognize overtime reimbursement from the Federal Department of Justice in the amount of \$43,508.88, and to approve Budget Adjustment No. 24-59.

k. **Right-of-Way Acquisition – Tract 1 – First Reformed Presbyterian Church**

There are several intersections in the City that have not been upgraded from span wire to decorative mast arms and require upgrades to video detection, emergency vehicle pre-emption devices, signage and striping, and improvement to meet the most current ADA standards. The City has been successful in receiving funding through the Memphis-MPO for these types of upgrades through the Transportation Improvement Program. The intersections include Germantown Rd. at Neshoba Rd. All funding for these projects receives 100% federal funding with 80% federal/20% local funding only for the ADA improvements. In order to meet the City and the State's specifications for the improvements, additional ROW acquisition is required. Consistent with TDOT requirements, all communications and negotiations for the acquisition of ROW on Tract 1 was performed by O. R. Colan Associates. The fair market value of the property to be acquired was determined to be \$3,000.00. An offer in this amount was made to and agreed upon with the property owner, First Reformed Presbyterian Church.

MOTION: To approve the right-of-way (ROW) acquisition of real estate from First Reformed Presbyterian Church in the amount of \$3,000.00 for a portion of Tract 1 and authorization of disbursement of the purchase price to the seller.

l. **Right-of-Way Acquisition – Tract 4 – Jack R. Owen Revocable Trust**

There are several intersections in the City that have not been upgraded from span wire to decorative mast arms and require upgrades to video detection, emergency vehicle pre-emption devices, signage and striping, and improvement to meet the most current ADA standards. The City has been successful in receiving funding through the Memphis-MPO for these types of upgrades through the Transportation Improvement Program. The intersections include Germantown Rd. at Neshoba Rd. All funding for these projects receives 100% federal funding with 80% federal/20% local funding only for the ADA improvements. In order to meet the City and the State's specifications for the improvements, additional ROW acquisition is required. Consistent with TDOT requirements, all communications and negotiations for the acquisition of ROW on Tract 4 was performed by O. R. Colan Associates. The fair market value of the property to be acquired was determined to be \$2,300.00. An offer in this amount was made to and agreed upon with the property owner, Jack R. Owen Revocable Trust.

MOTION: To approve the right-of-way (ROW) acquisition of real estate from First Reformed Presbyterian Church in the amount of \$2,300.00 for a portion of Tract 4 and authorization of disbursement of the purchase price to the seller.

m. **Right-of-Way Acquisition – Tract 5 – DFH Partners**

There are several intersections in the City that have not been upgraded from span wire to decorative mast arms and require upgrades to video detection, emergency vehicle pre-emption devices, signage and striping, and improvement to meet the most current ADA standards. The City has been successful in receiving funding through the Memphis-MPO for these types of upgrades through the Transportation Improvement Program. The intersections include Poplar Pike at Forest Hill Irene Rd. All funding for these projects receives 100% federal funding with 80% federal/20% local funding only for the ADA improvements. In order to meet the City and the State’s specifications for the improvements, additional ROW acquisition is required. Consistent with TDOT requirements, all communications and negotiations for the acquisition of ROW on Tract 5 was performed by O. R. Colan Associates. The acquisition is proposed to be conveyed in fee simple, as a donation.

MOTION: To approve the donation of real estate from DFH Partners related to improvements to the intersection of Forest Hill Irene Road and Poplar Pike.

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

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

REGULAR AGENDA

9. **Ordinance 2024-6 – Rezoning of 9709, 9713 & 9715 Poplar Ave. (“O” Office to “RE” Residential Estate) – Second Reading and Public Hearing**

In 1939, a single-family house was built at 9709 Poplar Avenue, under the “AG” Agricultural zoning in unincorporated Shelby County. In 1984, a 2,128-sq.ft. cabin was built at 9713/9715 Poplar Avenue while also part of unincorporated Shelby County. In 2000, these properties were annexed into the City with the zoning designation “O” Office. These properties have remained single-family residential. The applicant at 9713/9715 Poplar Avenue wishes to demolish the existing cabin and improve the property in constructing a new single-family house. The property at 9709 Poplar Ave. would remain as it currently is, which is developed with a single-family house. In order to allow such single-family residential improvements, the property requires having a zoning designation that allows this use. Under the “O” Office zoning designation, single-family residential is not an allowable use.

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 2024-6 on second reading for the rezoning of 9709, 9713 and 9715 Poplar Avenue from “O” Office to “RE” Residential Estate.

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

10. **Ordinance 2024-7 – Amendments to Chapter 14 of the Municipal Code (Sign Ordinance) – Parking Lot Signage – Second Reading and Public Hearing**

During the COVID-19 pandemic, many businesses adapted their business models by installing temporary curbside pick-up signs at designated parking spaces. With businesses having returned to normal operations, many are requesting to formalize curbside pick-up with permanent signage. Additionally, businesses in multi-tenant commercial centers have increased signage of parking spaces dedicated only for their customers or for a specific time limit. Currently, these signs are regarded as temporary and are not regulated. Both of these signage types are not addressed as permanent sign types in the City’s sign ordinance, and thus are

currently not permitted as permanent signs. Planning Division staff has received numerous requests from businesses to install these sign types as well as signs being installed without approvals. The Design Review Commission (DRC) asked staff to review and revise the City's sign ordinance to include these sign types with a DRC review and approval process.

Mayor Palazzolo opened the floor for the public hearing.

Mr. Paul Bruns, Chairman of the Design Review Commission (DRC), stated the purpose and background of the 18 months of work the DRC has put into revising the City's sign ordinance.

Mr. Mark Steinbrook, General Manager of the Shops of Forest Hill, made recommendations regarding revisions to the City's proposed sign ordinance.

Mayor Palazzolo closed the public hearing.

Motion by Ms. Hicks, seconded by Mr. McCreery, to approve Ordinance 2024-7 on second reading, amending Section 14-34 of Chapter 14 (Signs).

Alderman Hicks motioned to amend, without objection, the following in the proposed ordinance:

- (11) Tenant and Shopping Center Parking signs shall be as approved by the design review commission.
- a. Planned shopping centers having 20 or more acres of land area and 200,000 or more square feet of gross building can be permitted either:
1. Five (5) short term parking spaces per "big box" ~~building~~ tenant closest to customer entrances; ~~or~~ and
 2. One major retail center can provide five (5) short term spaces to be distributed to retail tenants;
- b. Planned shopping centers having more than eight, but less than 20, acres of land area and more than 70,000, but less than 200,000, square feet of gross building area can be permitted five (5) total, three (3) for short term parking spaces provided for "big box" tenants near the closest customer entrances, and two (2) short term spaces to be distributed to retail tenants.

Motion by Ms. Hicks, seconded by Mr. McCreery, to approve Ordinance 2024-7 on second reading, amending Section 14-34 of Chapter 14 (Signs) as amended.

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

Mike Palazzolo, Mayor

Michele Betty, City Clerk/Recorder