

**BOARD OF MAYOR AND ALDERMEN**  
**April 22, 2024**

The regular meeting of the Board of Mayor and Aldermen was held on Monday, April 22, 2024, at 6 p.m., in the Council Chambers at City Hall.

Vice Mayor Gibson 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, Mike Fisher, Jason Huisman, Caleb Marcum, Mac McCarroll, Bo Mills, Lisa Piefer, Billy Price Cameron Ross and Natalie Ruffin.

**Call to Order**

The Vice Mayor called the meeting to order.

**Invocation**

The invocation was led by Caleb Marcum.

**Pledge of Allegiance**

Alderman Sanders 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.

Vice Mayor Gibson pulled Agenda No. 13 – Resolution 24R05 City Tree Plan Adoption at the request of Administration.

Motion by Mr. Sanders, seconded by Ms. Hicks, to approve the April 22, 2024 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 8, 2024.

Motion by Mr. Ueleke, seconded by Mr. McCreery, to approve the minutes of the Board of Mayor and Aldermen regular meeting held April 8, 2024.

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

**Citizens to be Heard**

No citizens came forward.

**SPECIAL RECOGNITION – Beautification Commission Business Award**

Southern Avenue Company, located at 7545 North Street, is the April 2024 Beautification Award winner.

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

**BEER BOARD**

**Public Hearing – Beer Permit – On-Premise Application - Royal Panda, Inc.**

The City has received a request from Royal Panda, Inc. for a permit to sell beer for on-premise consumption at the Royal Panda Restaurant, located at 3120 Village Shops, Suite 23. The restaurant is under new ownership.

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

Motion by Mr. Sanders, seconded by Mr. Ueleke, to approve the request of Royal Panda, Inc. for a permit to sell beer for on-premise consumption at Royal Panda Restaurant, located at 3120 Village Shops, Suite 23.

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

**Public Hearing – Temporary Beer Permit – On-Premise Application - Down Syndrome Association of Memphis**

The City has received a request from the Down Syndrome Association of Memphis for a temporary permit to sell beer for on-premise consumption at their Get Down and Derby, located at the GH&CC.

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

Motion by Mr. Sanders, seconded by Mr. Ueleke, to approve the request of the Down Syndrome Association of Memphis for a temporary permit to sell beer for on-premise consumption on Saturday, May 4, 2024, from 4 pm to 9 pm, at their Get Down and Derby, located at the Great Hall & Conference Center.

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

**Public Hearing – Temporary Beer Permit – On-Premise Application - Germantown Christian 49ers**

The City has received a request from the Germantown Christian 49ers for a temporary permit to sell beer for on-premise consumption at the Germantown Festival, located at the Germantown Civic Center Complex.

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

The applicant did not appear at the Beer Board hearing.

Motion by Mr. Sanders, seconded by Mr. McCreery, to postpone this item until the applicant reapplies and can be present.

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

Vice Mayor Gibson recessed the Beer Board and reconvened the Board of Mayor and Aldermen.

**CONSENT AGENDA**

**Appointments – Fire Code Board of Appeals**

There are two open positions on the Board. Based on the professional background needed to serve on this Board, the planning staff requested volunteers from the members of the Planning Commission for this new term of appointment that will end on December 31, 2025.

MOTION: To appoint Jim Jacobs as the Industry Safety Professional representative and David Clark as the General Contractor representative to the Fire Code Board of Appeals with terms ending December 31, 2025.

**Contract – Parks Wayfinding Sign Program**

During the last half of 2017, a citizen-based, grass roots advocacy group to assisted the City in evaluating and improving greenways, bikeways and pedestrian trails/walkways. A key finding was that consistent, well-designed wayfinding signage, markers and prominent access points did not exist in Germantown. In November 2022, the Board of Mayor and Aldermen approved a professional services agreement for the development of a

comprehensive sign program for Germantown parks and trails for Phase I of the Parks Wayfinding Sign Program. This funding request identifies a phased approach for creating a unified wayfinding system throughout all public properties including trails, greenways and parks. This current phase will upgrade park signing and add trailhead orientation along the Germantown Greenway. Future phases will be included in Park Reinvestment Projects with wayfinding as an added component.

MOTION: To authorize a contract based on unit cost with Grinder, Taber &Grinder for the fabrication and installation of park identification signage in the amount not to exceed \$150,000.00.

#### **Contract – Water Treatment Plant Generator Relocation**

The Southern Avenue Water Treatment Plant (SWTP) was constructed in 1978 as the only water treatment plant providing potable water to the entire City until the Johnson Road Water Treatment Plant was constructed in the early 2000s. Per Tennessee Department of Environment and Conservation (TDEC) regulations, a generator is required to operate the water treatment plant in the event of a power outage. In accordance with these regulations, a diesel-powered generator has been in the existing location up gradient of the underground potable water storage tanks serving the SWTP, high service pumps and several wells since the original construction of the plant in 1978. The existing generator has been in service at this location since 2008.

In July 2023, the City experienced a water emergency where diesel fuel entered the water system due to an overspill that occurred during the generator refueling process. This excess diesel fuel leached into the underground tanks through an unknown, corroded pipe dating back to the original construction of the tanks. In the days following the water emergency, several mechanical and manual upgrades were made to the generator to ensure that an overspill would not occur. In order to completely rule out any possibility of a future event at this location, the decision was made to relocate the generator down gradient of the underground tanks.

MOTION: To approve a contract with Grinder, Taber & Grinder, Inc. to relocate the existing generator at the Southern Avenue Water Treatment Plant, provide back-up generator capabilities, and re-route the electrical supply from the generator to the treatment facility for a total cost of \$428,500.21.

#### **Donation – Germantown Education Foundation – Friend of the Foundation – 3<sup>rd</sup> Quarter**

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. During the third quarter of FY 2024, \$3,497.50 was collected.

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 \$3,497.50

#### **Donations – Parks and Recreation**

Jitana Bagomolny donated \$1,000.00 for a memorial bench in memory of Jaden Lee Bagomolny and the Scenic Hills Tennis & Bridge Group donated \$150.00 for a tree to be planted in memory of Laura Lou Schwartz.

MOTION: To recognize and accept donations made to the Parks and Recreation Department totaling \$1,150.00 and to approve Budget Adjustment No. 24-103.

#### **Easement Contract – 9384 Green Knoll Drive**

The area at and around Green Knoll Drive has been recently adversely impacted by a change in the magnitude of stormwater events and the subsequent runoff. The public infrastructure and the culvert performance were analyzed and it was determined that its capacity was exceeded and overtopping of the roadway occurred under the peak flows. This item is to approve a contract for a permanent drainage easement with the property owner at 9384 Green Knoll Drive.

MOTION: To approve the easement contract, authorizing the City to execute for the permanent drainage easement between Samira Jubran (“Grantor”) at 9384 Green Knoll Drive, and the City.

**Easement Contract – 9400 Green Knoll Drive**

The area at and around Green Knoll Drive has been recently adversely impacted by a change in the magnitude of stormwater events and the subsequent runoff. The public infrastructure and the culvert performance were analyzed and it was determined that its capacity was exceeded and overtopping of the roadway occurred under the peak flows. This item is to approve a contract for a permanent drainage easement with the property owner at 9400 Green Knoll Drive.

MOTION: To approve the easement contract, authorizing the City to execute for the permanent drainage easement between Mandy and Benjamin Youngblood (Grantor”) at 9400 Green Knoll Drive, and the City.

**Purchase – Police Vehicles**

Currently, there are five (5) vehicles assigned to the Investigations division. The investigations division is composed of ten (10) detectives who are responsible for investigating all crimes committed in the City of Germantown and subject to call-out at any hour of the day. The addition of these vehicles will increase the overall efficiency and effectiveness of the Investigations Division by reducing response times and allowing for a more effective deployment of personnel.

MOTION: To purchase five (5) Chevrolet Malibu sedans for the Germantown Police Department from Wilson County Motors in the amount of \$115,374.00, and approve Budget Adjustment No 24-104.

**Purchase – Proximity Card Access Upgrades**

In 2003, the City applied for a Homeland Security Grant in the amount of \$50,000.00 for a security system to protect our Public Safety Communications Center. The Public Safety Communications Center is located near the center of City Hall and all exterior doors were included. Additional buildings and doors have been added to the same system. The access control system panels originally installed have reached end-of-life and can no longer receive software updates. This purchase will include equipment, installation services necessary to upgrade hardware/software, and a 5-year hosted management system to the latest versions available. Newer equipment and software will provide consistent communication between sites.

MOTION: To purchase proximity card access equipment in the amount of \$36,240.00, and approve a 5-year hosted system management agreement in the total amount of \$28,522.80 for fiscal years 2024-2028 from Johnson Controls Security Solutions.

Motion by Ms. Hicks, seconded by Mr. Ueleke, to approve the consent agenda as written.

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

**REGULAR AGENDA**

**Ordinance 2024-8 – Amendments to Chapter 20 Traffic and Motor Vehicles – Article III – Operation of Vehicles, Division 20 – Second Reading and Public Hearing**

This agenda item is to approve amendments to Ordinance 2024-8 on second reading and hold a public hearing. The Tennessee Code Annotated (TCA) laws used for preparation of this ordinance are as follows: TCA § 16-18-302(a)(3) which grants the authority to a city to set a fee for the expunction of eligible court records; TCA § 55-12-139 which requires compliance with financial responsibility law; and TCA § 55-8-199 which identifies the prohibited uses of wireless telecommunications devices or stand-alone electronic devices.

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

Motion by Mr. Sanders, seconded by Mr. Ueleke, to approve on second reading Ordinance 2024-8 adding Sections 156, 157 and 158 to Chapter 20 - Traffic and Motor Vehicles – Article III – Operation of Vehicles, Division 20.

Motion by Mr. Sanders, seconded by Mr. McCreery, to make the following amendments:

In Section 20-156: In the first paragraph strike the “\$100” and insert “to be set by appropriate resolution by the board of mayor and aldermen.”

In Section 20-157:

Section (b), strike the word “moving” and also insert “9” between chapters 8 and 10.

Section (e) insert the words “at the discretion of the court” at the end of that paragraph.

Motion by Mr. Sanders, seconded by Mr. McCreery to approve on second reading Ordinance 2024-8 adding Sections 156, 157 and 158 to Chapter 20 - Traffic and Motor Vehicles – Article III – Operation of Vehicles, Division 20, as amended.

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

**Resolution 24R06 – The Viridian Place Planned Unit Development (PUD) Amended Outline Plan – 2<sup>nd</sup> Amendment – Public Hearing**

This item is to consider the approval of the amended Outline Plan 2<sup>nd</sup> Amendment for The Viridian Place Planned Unit Development. The applicant seeks to add the option of a minimum five-foot rear yard setback.

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

Motion by Mr. McCreery, seconded by Ms. Hicks, to approve Resolution 24R06 for The Viridian Place Planned Unit Development (PUD) Amended Outline Plan 2<sup>nd</sup> Amendment.

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

**Resolution 24R07 – Glasgow Planned Unit Development (PUD) Amended Outline Plan – 2<sup>nd</sup> Amendment – Public Hearing**

This item is to consider the approval of the Amended Outline Plan 2<sup>nd</sup> Amendment for the Glasgow PUD. The developers are requesting an amendment to reduce the front yard setback to 10 feet on various corner lots and, within Phase 1, to extend the length of six alleys to correlate with the rear lot lines behind several lots.

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

Motion by Mr. McCreery, seconded by Ms. Hicks, to approve Resolution 24R07 for the Glasgow Planned Unit Development Amended Outline Plan 2<sup>nd</sup> Amendment.

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

**Resolution 24R05 – City Tree Plan Adoption – Pulled**

This item was pulled by Administration.