

## **BOARD OF MAYOR AND ALDERMEN**

August 13, 2012

A regular meeting of the Board of Mayor and Aldermen was held on August 13, 2012 at 6:00 p.m. in the Council Chambers of the Municipal Center.

Mayor Sharon Goldsworthy was present and presiding.

The following Aldermen were present: Mark Billingsley, Ernest Chism, John Drinnon, Greg Marcom and Mike Palazzolo. Staff present: Patrick Lawton, George Brogdon, Kristen Geiger, Bo Mills, Andy Pouncey, Wade Morgan, Tim Gwaltney, Michael Stoll, Ralph Gabb, Chief Richard Hall, Chief John Selberg, Butch Eder, Tony Fischer, Susan Hopson, Lisa Piefer and Dotty Johnson.

### **Call to Order**

Mayor Sharon Goldsworthy called the meeting to order at 6:00 p.m.

### **Invocation**

City Administrator Patrick Lawton gave the invocation.

### **Pledge of Allegiance**

Boy Scout Troop 270 from Germantown Presbyterian Church posted the Colors and led the Pledge of Allegiance.

### **Approval of Agenda**

Mayor Goldsworthy stated that during the executive session the Board unanimously agreed to move number 9, Wolf River Blvd. CEI Supplement, to the consent agenda. Also, it was noted that number 14h on the consent agenda had been deferred by staff.

Motion by Mr. Drinnon, seconded by Mr. Palazzolo, to approve the agenda as amended.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Billingsley–yes, Chism–yes. Motion approved.

### **Approval of Minutes**

Alderman Palazzolo noted on page 2 of the minutes the word Ship had been misspelled.

Motion by Mr. Marcom, seconded by Mr. Drinnon, to approve the minutes of the Board of Mayor and Aldermen meeting held July 23, 2012 as amended.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Billingsley–yes, Chism–yes. Motion approved.

### **Citizens to be Heard**

No citizens came forward.

Mayor Goldsworthy suspended the meeting of the Board and convened the Beer Board.

### **BEER BOARD**

#### **Public Hearing – Beer Permit – Mesquite Chop House – 3165 Forest Hill-Irene Rd.**

City Administrator Patrick Lawton stated the City had received a request from MCH 3, LLC for a permit to sell beer for on-premise consumption at their new restaurant Mesquite Chop House located at 3165 Forest Hill-Irene Road. Members of the LLC are Preston Lamm, Charles Oswalt, James LoSapio, Charles Scott and Harland Howard.

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Motion by Mr. Billingsley, seconded by Mr. Palazzolo, to approve the request from MCH 3, LLC for a permit to sell beer for on-premise consumption at the Mesquite Chop House at 3165 Forest Hill-Irene Road.

ROLL CALL: Marcom–yes, Drinnon–no, Palazzolo-yes, Billingsley-yes, Chism–yes. Motion approved.

Mayor Goldsworthy adjourned the Beer Board and reconvened the Board of Mayor and Aldermen.

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**Adoption of FY13 Strategic Plan**

Mr. Lawton explained that the Board of Mayor and Aldermen holds a planning retreat to review the progress towards achieving the Vision as outlined in Vision 2020 and to refocus their goals and objectives for the following year. This process is done on an annual basis and is identified in the City's Strategic Planning and Performance Improvement Model.

The Strategic Plan starts with the Board's annual retreat and manifests itself in the budget, focus area cabinets and business plans. Progress is measured quarterly and reported to the Board of Mayor and Aldermen.

Mr. Lawton stated the FY13 Strategic Plan represents the direction provided by the Board of Mayor and Aldermen during their annual retreat held in February 2012. Changes to the Vision now include a greater emphasis on economic development and a refined approach to schools and education.

The FY13 Strategic Plan also incorporates the Board's policy agenda linked with specific performance measures under five focus area cabinets.

Motion by Mr. Palazzolo, seconded by Mr. Drinnon, to adopt the FY13 Strategic Plan for the City of Germantown.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo-yes, Billingsley-yes, Chism–yes. Motion approved.

**Wolf River Blvd. –CEI Supplement – MOVED TO CONSENT AGENDA**

**Professional Services Agreement – Laterals D & E Repair**

Economic and Community Development Director Andy Pouncey explained that Lateral D is north of Farmington Blvd. and parallels the eastern boundary of Brookside Office Centre and the western boundary of Allenby Lakes. Lateral E parallels the eastern boundary of Duntreath Park Phase 2. Each lateral is a natural, earthen stream with highly erodible banks.

Mr. Pouncey stated that through the years, Public Services has provided continuous maintenance activities as needed in an effort to keep the laterals within the public easements. However, due to bank erosion and sloughing, vehicle/equipment access is becoming more and more difficult. Permanent bank repair and stabilization measures are needed at various locations along laterals D & E.

Staff recommends Barge Waggoner Sumner and Cannon, Inc. (BWSC) continuing this project as its consultant. The fee proposal for each location will enable the City to decide to award Lateral D only (\$90,850.00), Lateral E only (\$47,250.00) or both (\$138,100.00) depending on available funding.

Motion by Mr. Drinnon, seconded by Mr. Palazzolo, to authorize the Mayor to enter into a Professional Services Agreement with Barge Waggoner Sumner & Cannon, Inc. in the amount of \$138,100.00 for design services related to permanent bank stabilization of Laterals D & E.

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In response to a question from Alderman Palazzolo, CIP Manager Butch Eder stated we do have a partnership with the Corp of Engineers on Lateral D culvert and the funding should come in September or October and that project is moving forward.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo-yes, Billingsley-yes, Chism–yes. Motion approved.

**Verizon Store, 7655 Poplar Ave. – Approval of Warrants Associated with the Development of a Building Within the T-5 District**

Chief Planner Wade Morgan stated the proposed Verizon store will replace the Germantown Liquor Store and CK's Coffee Shop at 7645 and 7665 Poplar Ave. The Planning Commission approved the warrants in conjunction with the approval of the preliminary and final site plan, building elevation plans and landscape plan.

Verizon proposed a 4,850 sq. ft. retail building to replace the two existing buildings. The site is being developed under the "T-5" district Smart Code regulations. Warrants are necessary for the site development characteristics that do not conform to the T-5 district requirements.

Mr. Morgan described each of the warrants and a vote was taken on each.

**Warrant No. 1** – The T-5 district requires the principal building entrance to be on Poplar Ave. The proposed building's entrance is on the west side, facing the main parking area. The Planning Commission felt this warrant was justified because the Poplar Ave. façade will include faux windows and a doorway so that it will give the appearance of an entrance.

**Warrant No. 2** – The T-5 district requires a minimum 2-story building. The proposed building is a single story, with a 2 story façade. The Planning Commission concluded this warrant was justified because the building exterior will be two stories in height and will include windows to provide an appearance that is consistent with the T-5 district requirements.

**Warrant No. 3** - The T-5 district permits a maximum of 25 parking spaces for a 4,850 sq. ft. retail function. The proposed Verizon store has 45 spaces. After Verizon described that the employee and customer parking needs of this type of store supported the additional parking, the Planning Commission approved this warrant.

**Warrant No. 4** – The T-5 district requires permeable paving for parking in excess of the minimum. The Planning Commission concluded that the unique soils conditions of the site were not conducive to permeable paving.

**Motion 1:** Motion by Mr. Drinnon, seconded by Mr. Palazzolo, to approve a warrant to allow the principal building entrance on the west side, facing the main parking area, where the T-5 district requires the principal building entrance to be on Poplar Ave. (Section 23-767(10))

Alderman Marcom asked if the Board was comfortable in setting a precedent of only having one story buildings with two story facades. He felt it was a stray from the Smart Growth concept. He stated he was not comfortable straying from the concept.

Mr. Pouncey stated that one would not be able to tell the difference when looking at the building from the outside because one would be looking through a window to a hallway. It could be developed later on to a two story building.

Alderman Marcom wanted to make sure the foundation is in place where it can be developed into a two story building and set aside space for an elevator shaft and stairwells.

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Mr. Blair Parker with Blair Parker Designs stated the difficulty he found with doing these additions would be the initial cost which would be tremendous for the first stage and it would take maybe 10 years before a second story would be needed. He felt with the economy being what it is right now, there would be a difficulty in the funding.

Alderman Marcom felt the intent of Smart Growth was to have multiple story buildings that were inhabitable on all levels.

Mr. Parker stated that the Smart Growth concept is about building all the structures together with shared parking and all businesses as one. In this case, this site is a satellite because it stands apart from everyone else and it was not easy to meet every aspect of Smart Code and that is why the warrants. Because of the elevation of the property, the bank next door and the hospital parking lots are not accessible.

In response to a question from Alderman Billingsley, Mr. Pouncey stated staff was happy with the drainage issues. A lot of time had been spent on this issue and staff was happy with the system.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Billingsley–yes, Chism–yes. Motion approved.

**Motion 2:** Motion by Mr. Drinnon, seconded by Mr. Palazzolo, to approve a warrant to allow the building to be a single story, with a two story façade, where the T-5 district requires a minimum two story building (Sec. 23-767(b)(5)).

ROLL CALL: Marcom–no, Drinnon–yes, Palazzolo–yes, Billingsley–yes, Chism–yes. Motion approved.

**Motion 3:** Motion by Mr. Drinnon, seconded by Mr. Palazzolo, to approve a warrant to allow 45 parking spaces, where the T-5 district permits a maximum of 25 parking spaces for a 4,850 sq. ft. retail function (Sec. 23-805, table 11)

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Billingsley–yes, Chism–yes. Motion approved.

**Motion 4:** Motion by Mr. Drinnon, seconded by Mr. Palazzolo, to approve a warrant to allow all parking spaces to be paved, where the T-5 district requires all spaces in excess of the minimum to be permeable.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Billingsley–yes, Chism–yes. Motion approved.

**Project Development Contract 1178 – Verizon Store, 7655 Poplar Ave.**

Mr. Morgan stated that this is a standard Project Development Contract. The site is being developed under the “T-5” Smart Code regulations, so the building will be closer to the street than under conventional regulations, will have parking in the side and rear, rather in the front, and the parking will be screened from Poplar Ave.

Motion by Mr. Drinnon, seconded by Mr. Palazzolo, to approve Project Development Contract Number 1178 for the development of a Verizon Store.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Billingsley–yes, Chism–yes. Motion approved.

**Construction Contract – Cameron Brown Park Baseball Fields Renovation**

Public Services Director Bo Mills explained the Cameron Brown Park Baseball complex was completed in 1982 and over the years, due to age and frequent use of the facility and fields, the total infrastructure is in need of grading, soil remediation, sod installation, irrigation and fence improvements. Germantown

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Baseball League, our sports provider, participated in a charette with staff to discuss field restorations and is supportive of all the recommended improvements.

Mr. Bob Bean from the Germantown Baseball League came forward and stated the proposal not only provides the best use of the resources but one that can be staged over time. He stated they are very much in favor of the renovations and will make a commitment to continue to pool whatever resources that are over and above fees to go back into the parks.

Motion by Mr. Billingsley, seconded by Mr. Drinnon, to contract with Ambassador Construction for the Cameron Brown Baseball Field Renovation Improvements in the amount of \$184,508.00.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Billingsley–yes, Chism–yes. Motion approved.

**CONSENT**

**Recognition of Neighborhood Payment for Decorative Street Signs**

The City has received \$1,867.50 from the neighborhood. This represents the neighborhood’s share for the cost of the five decorative street signposts.

MOTION: To recognize \$1,867.50 made by the Oak Run Neighborhood Association as their share of costs for the decorative street signposts and approve Budget Adjustment No. 13-02.

**Bulk Purchase – Concrete**

This is an annual purchase of concrete mix used for street, stormwater, grounds and utility maintenance repairs.

MOTION: To purchase 1,000 cubic yards of 4000 PSI concrete mix from Memphis Ready Mix in the amount of \$80,000.

**Bulk Purchase - Cement Treated Base**

This is a semi-annual purchase of 3,000 tons of cement treated base mix used for street, stormwater and utility maintenance repairs.

MOTION: To authorize the purchase of 3,000 tons of cement treated base mix from Standard Construction Co, Inc. and APAC-TN, Inc. in the amount of \$69,150.00.

**Purchase – Meter Reading System**

The current system was purchased in 2006. Repair or replacement cost of these units will exceed the cost of new equipment with current upgrades. Included in this purchase are four meter reading computer units, wall chargers, USB Blue Tooth adaptors for desk top PC, one pod cradle to charge and retrieve information, Windows 7 Software upgrades and eight hours of training and technical support.

MOTION: To approve the purchase of a Versa Term LX Meter Reading System from Northrop Grumman-Utility Systems in the amount of \$15,356.00.

**Resolution 12R07 – TML Pool Safety Partners Matching Grant Program**

The City’s safety committee has recommended continued participation in this grant program. Grant priority is given for risk exposures faced by our employees in the performance of their duties. The grant program provides up to 50% of the cost for safety related purchases in fiscal year 2013. Germantown is eligible to receive up to the maximum \$2,000 from the limited grant funds available.

MOTION: To approve Resolution 12R07, allowing for the City’s participation in the TML Risk Management Pool “Safety Partners” Loss Control Matching Grant Program for FY13.

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**Subdivision Development Contract 502 – The Enclave Planned Unit Development, Phase 5**

Phase 5 consists of a total of 41 lots in a 13.08 acre area and lies in the western section of the 119.90 acre Enclave PUD, which will eventually contain up to 335 single family dwellings.

MOTION: To approve Subdivision Development Contract Number 502 for the development of the Enclave PUD, Phase 5.

**Resolution No. 12R08 – Co-location of Wireless Transmission Facilities**

This resolution will grant approval for ATT to add three antennas of similar design to the existing AT&T Mobility tower. The new antennas will be no larger than the existing antennas and will be installed at the same location on the tower as the three existing antennas. All cable will be placed within the shaft of the tower and any additional equipment on the ground will be installed within the existing fenced compound.

MOTION: To approve Resolution 12R08 for the co-location of wireless transmission facilities at 1926 S. Germantown Rd.

**FYI Newsletter Printing – DEFERRED**

**Acceptance of FEMA Fire Prevention Grant for the Fire Department**

The Fire Department applied to and received the FEMA Assistance to Firefighters Grant Program. The purpose for the application was to acquire funds for the purchase of equipment used in the fire safety programs as well as the fire inspections program. A total of \$16,315.00 was received from FEMA of which the City will provide a 10% matching amount at the time of purchase of the equipment.

MOTION: To authorize the acceptance of a FEMA Assistance to Firefighters Grant Program for \$16,315.00, of which the City will provide a 10% matching amount at the time of purchase of the equipment.

**Wolf River Blvd. CEI Supplement – Moved from Reg. Agenda**

City personnel have been performing the Utility Coordination and Public Information tasks. However, the pace of construction has gotten to a point that is overwhelming our in-house capabilities. Staff asked Smith Seckman and Reid, Inc. (SSR) to provide a fee proposal to take over the erosion prevention and sediment control inspections (EPESC) responsibility for the remainder of the project. Construction, Engineering and Inspection (CEI) services are 80% reimbursable.

Motion: To approve a \$92,661.57 supplement to the existing Construction Engineering and Inspection contract with Smith, Seckman and Reid, Inc. for Wolf River Boulevard, increasing the contract from \$2,999,949.98 to \$3,092,611.55.

Motion by Mr. Palazzolo, seconded by Mr. Drinnon, to approve the consent agenda as stated.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Billingsley–yes, Chism–yes. Motion approved.

**ADJOURNMENT**

There being no further business to be brought before the Board, the meeting was adjourned.

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Sharon Goldsworthy, Mayor

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Dotty Johnson, City Clerk/Recorder