

BOARD OF MAYOR AND ALDERMEN

October 13, 2014

A regular meeting of the Board of Mayor and Aldermen was held on Monday, October 13, 2014 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: Greg Marcom, John Drinnon, Mike Palazzolo, Forrest Owens and Rocky Janda. Staff present: Patrick Lawton, Debra Wiles, Deputy Chief Rodney Bright, Chief John Selberg, Daniel Page, Bo Mills, Reynold Douglas, Cameron Ross, Tim Gwaltney, Butch Eder, Ralph Gabb, Phil Rogers, Lisa Piefer and Dotty Johnson.

Call to Order

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

Invocation

Finance Director Ralph Gabb gave the invocation.

Pledge of Allegiance

Alderman Rocky Janda led the Pledge of Allegiance.

Approval of Agenda

During the Executive Session, the Board unanimously agreed to move number 13 – Asphalt Rejuvenation Contract and number 16 – Professional Services Agreement–Poplar Culvert Replacements to the Consent Agenda.

Motion by Mr. Janda, seconded by Mr. Palazzolo, to approve the agenda (as amended).

ROLL CALL: Marcom-yes, Drinnon-yes, Palazzolo-yes, Owens-yes, Janda -yes. Motion approved.

Approval of Minutes

There were two corrections to the minutes. In the third paragraph on page 3 should be the Reaves Firm and in paragraph four, the sentence did not read correctly and was to be rephrased.

Motion by Mr. Janda, seconded by Mr. Owens, to approve the minutes of the Board of Mayor and Aldermen meeting held September 22, 2014 as amended.

ROLL CALL: Marcom-yes, Drinnon-yes, Palazzolo-yes, Owens-yes, Janda -yes. Motion approved.

Citizens to be Heard

Michael Stoll, 2546 Regents Walk, requested the Board not to advance the project on McVay Road. The residents do not want the work done on the road because it will bring more traffic to the area. He had information from the engineers who inspected the bridge in 2013 and reported that it had some problems but was fine and was wide enough to carry the present traffic. He suggested we save the money for more critical projects.

John Black, 2476 Cedarwood Dr., had the same concerns as Mr. Stoll. Mr. Black was representing the Oaks Subdivision. He stated in 2005 this project was brought up and the neighbors in the Oaks Subdivision and English Meadows Subdivision signed petitions but the project was tabled. They are not opposed to fixing the bridge, if it is indeed falling apart.

Gary Smith, 1770 Great Oaks Cove, stated that he appreciated the Police Department for their continued surveillance in his neighborhood.

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Shelby County Books from Birth Grant

City Administrator Patrick Lawton explained that this was a grant in the amount of \$12,135.00 to the Shelby County Books from Birth program. Books from Birth is an organization whose mission is to promote kindergarten readiness and strengthen family bonds in Shelby County by providing age-appropriate books for all children from birth to age five.

The Books from Birth website makes it easy for parents to sign up for this completely free program. There are no hidden costs to the family. The program relies on support from the Governor's Books from Birth Foundation, corporations like the City of Germantown foundations and individuals.

Mr. Lawton recognized Mr. Peter Abel, a member of the Books from Birth staff, who was in the audience.

Motion by Mr. Janda, seconded by Mr. Drinnon, to authorize the payment in the form of a grant to Shelby County Books from Birth in the amount of \$12,135.00.

ROLL CALL: Marcom-yes, Drinnon-yes, Palazzolo-yes, Owens-yes, Janda -yes. Motion approved.

Professional Services Agreement – Farm Park Phase III

Mr. Lawton explained that this was a professional services contract with Dalhoff Thomas Design Studio in the amount of \$35,150.00 to update the construction documents and to provide construction administration for Phase II of the Farm Park improvements.

Funding for this project is in the FY15 CIP in the amount of \$951,000.00. Of this amount a grant in the amount of \$208,000.00 has been awarded by the state. The Board will formally recognize this grant at an upcoming Board meeting. Funding for this project is coming from the utility fund adding an additional \$105,000 to provide sewer service to the Farm Park.

This PSA is to provide an update to the original plan document that was put on hold in 2013. It will also provide construction documents for additional parking at Cloyes Park and construction administration once the construction contract is awarded sometime this fiscal year.

Alderman Palazzolo recognized the Germantown Charity Horse Show Association for their contribution to the Farm Park and the renovation of the barn. He stated there were a lot of public/private donations and grants that were helping to make the Farm Park a reality.

Motion by Mr. Palazzolo, seconded by Mr. Marcom, to authorize the Mayor to enter into a Professional Services Agreement with the Dalhoff Thomas Design Studio to update construction documents and provide construction administration for the Bobby Lanier Farm Park FY15 CIP project in the amount of \$35,150.00.

ROLL CALL: Marcom-yes, Drinnon-yes, Palazzolo-yes, Owens-yes, Janda -yes. Motion approved.

Alderman Marcom recused himself from hearing the next two agenda items and left the dais.

Ordinance 2014-10 – Western Gateway Rezoning – Third and Final Reading

Economic and Community Development Director Cameron Ross stated this was the third and final reading of this ordinance. He explained that this plan encompasses all the properties located between Poplar and Poplar Pike between the eastern boundary of 6755 Poplar and the western boundary of the City.

The Western Gateway area constitutes 58 acres and is strategically positioned to play a significant role in the future of Germantown's economic growth and vitality. He explained the different zoning areas and their uses.

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There are three districts that encourage dense, mixed use urban development and support the implementation of the build-out scenarios of the Western Gateway Plan. The plan recommends that the majority of the Kirby Farms property and all property adjacent to Poplar Pike be rezoned to the T-5 District. To allow higher building heights, as appropriate along Poplar Ave., the plan recommends the rezoning of most of the Westminster Townhomes property, the Bank of Bartlett property, the medical office condos, most of the Carrefour shopping center and the Poplar Woods outparcel to the T-6 District.

Motion by Mr. Owens, seconded by Mr. Palazzolo, to approve on third reading Ordinance 2014-10, the rezoning of the properties within the Western Gateway Small Area Plan encompassing the properties located between Poplar and Poplar Pike between the eastern boundary of 6755 Poplar (Ray Gill property) and the western boundary of the City of Germantown as follows:

FROM:	TO:
R-T Multi-family District	T-5 Urban Center and T-6 Urban Core
OG-1 Old Germantown	T4R General Urban Restricted
and	T-5 Urban Center
O Office	T-5 Urban Center and T-6 Urban Core
SC-1 Shopping Center	T-6 Urban Core
C-2 General Commercial	T-5 Urban Center and T-6 Urban Core

Alderman Owens stated this small area plan and the accompanying rezoning incorporates sound land-use planning and he would be voting for this ordinance.

Alderman Palazzolo concurred with Alderman Owens and stated these properties that make up these 50+ acres were all built around 1969 – 73 and will need to be used for more sound development.

Alderman Janda stated he would be voting yes because he felt it was very important to extend our tax base because we now rely so much on the residential.

ROLL CALL: Marcom-recused, Drinnon-no, Palazzolo-yes, Owens-yes, Janda -yes. Motion approved.

Ordinance 2014-11 – Health Care/Medical Facility Office – Third and Final Reading

Mr. Ross stated this was the third and final reading to update or modernize the definition of hospital that is within the zoning code. The definition needs to be a little stronger and open to the medical industry today both devise and industry wise. This will not happen within the shopping center district, only in the general commercial district which is C-2.

Motion by Mr. Owens, seconded by Mr. Palazzolo, to approve on third reading Ordinance 2014-11, which will amend the regulations in Section 23-2 of the City Code on definitions and use regulations to add the category of “Health Care Facility” to the Definitions Section and add Health Care Facility to the list of Permitted Uses; and add the categories of “Medical Services/Offices” to the Definition Section and add “Medical Services/Offices” to the list of Permitted Uses.

Alderman Owens stated for the purpose of modernizing our existing zoning code he would be voting yes.

Alderman Janda stated there were a lot of things that needed modernization in our code and he would also be voting for the change.

ROLL CALL: Marcom-recused, Drinnon-yes, Palazzolo-yes, Owens-yes, Janda-yes. Motion approved.

Alderman Marcom returned to the dais.

Public Hearing - Ordinance 2014-12 – Amendment to Zoning Code – Funeral Chapel – Second Reading

Mr. Ross stated this amendment was an addition to the zoning code. The proposal is to add the definition to the zoning code. It will be primarily for funeral services provided in such a building as to not contain facilities for embalming, the performance of autopsies or other similar surgical procedures, cremation, storage of funeral caskets and funeral urns, except those on display on the premises and funeral vehicles cannot be stored on the premises except in a garage or other accessory building with no direct public street frontage, and that the garage or other accessory building shall not be used for other purposes.

In response to a question from Alderman Owens, Mr. Ross stated this was a tax generating facility.

Mayor Goldsworthy opened the public hearing. Having no one come forward, the public hearing was closed.

Motion by Mr. Owens, seconded by Mr. Drinnon, to approve on second reading Ordinance 2014-12, which will amend the regulations in Section 23-2 of the City Code on definitions and use regulations.

Alderman Marcom stated he would be voting in favor of this ordinance because it would be another service to the citizens of Germantown and it would be a tax generating facility.

ROLL CALL: Marcom-yes, Drinnon-yes, Palazzolo-yes, Owens-yes, Janda -yes. Motion approved.

Asphalt Rejuvenation Contract – Moved to Consent

Agreement of Compromise and Settlement Payment – Shelby County Schools

Mr. Lawton stated that since early 2011 the City has focused on the establishment of a municipal school district for our city. We have achieved and met every legal and regulatory requirement necessary by the State to have a school district. The City was faced with a lawsuit filed by the County Commission alleging that local governments in Shelby County seeking to establish a school district, actions were illegal because they were motivated by racially discriminatory intent and violated various constitutional provisions.

The Agreement of Compromise and Settlement approved by the Board of Mayor and Aldermen and executed by Mayor Goldsworthy on January 6, 2014 accomplished two primary objectives: 1) dismissed with prejudice all claims by the County Commission in the lawsuit; and 2) conveyed Dogwood, Farmington and Riverdale elementary schools along with Houston Middle and Houston High Schools to the GMSD Board, the operation for full control, management and operation.

The settlement agreement also requires that the GMSD Board of Education agrees to pay SCBE for the next twelve years, by the first of November each year, beginning in 2014 the amount of \$355,453.00. In our discussion with the GMSD Board of Education early in their formation the City of Germantown agreed to pay this amount on behalf of GMSD. Funding for this annual payment is included in the FY15 budget.

Motion by Mr. Janda, seconded by Mr. Palazzolo, to authorize the payment of \$355,453.00 to the Shelby County Board of Education on behalf of the Germantown Board of Education per Section 7 of the Agreement of Compromise and Settlement executed by Mayor Goldsworthy on January 6, 2014.

ROLL CALL: Marcom-yes, Drinnon-yes, Palazzolo-yes, Owens-yes, Janda -yes. Motion approved.

Design Contract – Wolf River Overlay

City Engineer Tim Gwaltney stated this is a supplement to the agreement with Fisher & Arnold, Inc. for \$83,450.00 for the design services and preparation of construction documents related to milling and

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overlaying of Wolf River Boulevard. This will increase the ceiling of the contract from \$44,320.00 to \$127,770.00.

This milling and overlay is for 2½ miles. The first segment is from Germantown Road to just west of Kimbrough and the second segment is approximately 2 miles long and it will be from Farmington to the Germantown city limits. The funding will be 80/20. The project is to begin in April or May of 2015 and take about 3 months.

Motion by Mr. Marcom, seconded by Mr. Owens, to approve Supplement No. 1 a Professional Services Agreement with Fisher & Arnold, Inc. in the amount of \$83,450.00 increasing the contract amount from \$44,320.00 to \$127,770.00 for services related to the Wolf River Boulevard Mill & Overlay project.

ROLL CALL: Marcom-yes, Drinnon-yes, Palazzolo-yes, Owens-yes, Janda -yes. Motion approved.

Professional Services Agreement – Poplar Culvert Replacement – Moved to Consent

Consent to Assign 2011 Solid Waste Collection Services Contract

Neighborhood Services Manager Joe Nunes explained that the City received notice from Republic Services of their intent to sell certain assets to Inland Waste Solutions, LLC, including their contract for solid waste collection services with the City. The letter included a request of the City to consent to the assignment of the contract to Inland. The closing of the transaction is anticipated to be October 31, 2014, pending the assignment of the contract by the City.

Mr. Nunes stated Inland Waste Solutions is a private company headquartered in Austin, Texas. They were listed as the 50th largest waste management private firm in the US. The plan is to shift all the existing equipment from Republic to Inland while some personnel may make the move, it will be new personnel associated with this as well. The City has received assurances from Inland that all service shortcomings will be addressed. There should be no visible difference to the residents. The contract has an initial term that goes through June 30, 2016, and includes an option by the City to extend the term of the contract for an additional sixty months which would run through June 30, 2021.

Mr. Nunes stated that Mr. Roger Lawrence, the General Manager for Republic Services, and Mr. West Caruthers, Regional Vice President for Inland Waste Solutions, were in the audience.

Motion by Mr. Marcom, seconded by Mr. Palazzolo, to authorize the Mayor to execute the Assignment, Assumption and Consent Agreement providing the City's consent to assignment of the Contract for solid waste collection services with BFI Waste Services, LLC (d/b/a Republic Services) to Inland Waste Solutions, LLC.

ROLL CALL: Marcom-yes, Drinnon-yes, Palazzolo-yes, Owens-yes, Janda -yes. Motion approved.

CONSENT

Fire Department Purchase of Defibrillators

Over the past two years, the City has purchased 8 new defibrillators to replace old defibrillators. The new cardiac monitors have enhanced features to improve patient care and the Fire Department has been able to attain a cardiac arrest survivability rate of about 38% for all cardiac arrest patients. The national average is about 6%. The total amount of the new defibrillators is \$61,982.16.

MOTION: To authorize the purchase of two (2) monitor/defibrillators from Zoll Medical in the total amount of \$61,982.16.

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Fire Uniforms

The Fire Department issues purchase orders not to exceed the individual allotment for uniforms. There are 77 full time fire fighters, 4 part time fire fighters, 30 reserves and 8 FAST members who receive annual uniform allotments.

MOTION: To purchase Fire Department uniforms and accessories from Accurate Law Enforcement, BKT Uniforms, CMS Uniforms, GT Distributors, Midsouth Solutions and Shapiro Uniforms based on quoted prices in amounts not to exceed the Department's annual uniform budget.

Donation – Fire Department LAFS Program

The Lions Club donated \$100.00 to the LAFS educational program.

MOTION: To accept a donation in the amount of \$100.00 to support the Fire Department's LAFS program and to approve Budget Adjustment No. 15-17.

Library Board Appointments

This is the appointment of Dr. Cole Huffman and Ms. Stephanie McOlgan to serve on the Germantown Library Board until the year 2017.

MOTION: To approve the appointments of Dr. Cole Huffman and Ms. Stephanie McOlgan to the Germantown Library Board with terms expiring in 2017.

Senior Expo Booths

Hicks Convention Services met all the bid specifications for the booths at the annual Senior Expo. The event will be held on Thursday, November 6 from 9 a.m. to 3 p.m.

MOTION: To authorize securing Hicks Convention Services to provide all booths and specified equipment for the Senior Expo in the amount of \$12,596.00.

Declaration of Surplus Property

The City is seeking to dispose of a list of equipment from Germantown Athletic Club, Great Hall, Fire, IT, Police and General Services. Many of these items have completed their useful life and have been replaced. The sellable items will be placed on the GovDeals auction site to be sold. All other items will be properly disposed per state and local regulations.

MOTION: To declare a list of equipment as surplus property, thus allowing for the sale and disposal of the items.

Closeout of Professional Services Agreement – Poplar Ave. Culvert Replacements

This is a final payment of \$3,180.00 to Askew Hargraves and Harcourt for Construction Engineering and Inspection Services related to the replacement of six deteriorated culverts beneath Poplar Ave. This payment will close out the project. This expenditure is 100% reimbursable.

MOTION: To approve final payment in the amount of \$3,180.00 and closeout of a Professional Services Agreement with Askew Hargraves and Harcourt (A2H) for Construction Engineering and Inspection Services for the replacement of six (6) deteriorated culverts beneath Poplar Ave.

Asphalt Rejuvenation Contract

This is a contract with Pavement Technology, Inc. for the annual pavement rejuvenation program.

MOTION: To contract with Pavement Technology, Inc. for the annual pavement rejuvenation program in an amount not to exceed \$100,000.00.

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Professional Services Agreement – Poplar Culvert Replacements

A significant number of culverts crossing under Poplar Ave. have reached the end of their design life and are showing signs of failure. Six of the most critical crossings have been replaced. Askew Hargraves and Harcourt (A2H) was the unanimous choice for the design and preparation of construction documents because of their intimate knowledge of the project and their excellent services provided to the City on previous phases. The fee for their services is \$58,605.00.

MOTION: To approve a Professional Services Agreement in the amount of \$58,605.00 with Askew Hargraves and Harcourt (A2H) for design services and preparation of construction documents for the replacement of ten (10) deteriorated culverts beneath Poplar Ave.

Motion by Mr. Janda, seconded by Mr. Drinnon, to accept the consent agenda as read.

ROLL CALL: Marcom-yes, Drinnon-yes, Palazzolo-yes, Owens-yes, Janda -yes. Motion approved.

Alderman Janda read an article in the Memphis Business Journal that highlighted Germantown.

ADJOURNMENT

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

Sharon Goldsworthy, Mayor

Dotty Johnson, City Clerk/Recorder