

BOARD OF MAYOR AND ALDERMEN

January 26, 2015

A regular meeting of the Board of Mayor and Aldermen was held on Monday, January 26, 2015 at 6:00 p.m. in the Council Chambers of the Municipal Center.

Mayor Mike Palazzolo was present and presiding.

The following Aldermen were present: John Barzizza, Mary Anne Gibson, Dave Klevan, Forrest Owens and Rocky Janda. Staff present: Patrick Lawton, Debra Wiles, Chief Richard Hall, Chief John Selberg, Daniel Page, Bo Mills, Reynold Douglas, Cameron Ross, Tim Gwaltney, Pam Beasley, Butch Eder, Ralph Gabb, Lisa Piefer and Dotty Johnson.

Call to Order

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

Invocation

Public Works Director Bo Mills gave the invocation.

Pledge of Allegiance

Alderman Mary Anne Gibson led the Pledge of Allegiance.

Approval of Agenda

The following items were selected to be moved to the Consent Agenda: #9 - Fiscal Year 2016 Budget Calendar, #14 - Wolf River Blvd. - Change Order #5, #15 - PSA Supplement 7 – Construction Engineering and Inspection (CEI) for Wolf River Blvd., #16 - Wolf River/Germantown Road PSA and #18 – Collection Agency.

Motion by Mr. Barzizza, seconded by Mr. Klevan, to approve the agenda as amended.

ROLL CALL: Barzizza-yes, Gibson-yes, Klevan-yes, Owens-yes, Janda -yes. Motion approved.

Approval of Minutes

Approval is requested of the minutes of the regular meeting held January 12, 2015.

Motion by Mr. Janda, seconded by Mr. Owens, to approve the minutes of the Board of Mayor and Aldermen meeting held January 12, 2015.

ROLL CALL: Barzizza-yes, Gibson-yes, Klevan-abstain, Owens-yes, Janda -yes. Motion approved.

Youth Excellence Award

Alderman Gibson and the representative from the Education Commission, Dr. Dino Palazzolo, came forward and presented Mr. Samuel Naid, a senior at Houston High School, with the Youth Excellence Award for the month of January.

Teacher of Month Award

Mrs. Jessica McLaughlin, a kindergarten teacher at Our Lady of Perpetual Help Catholic School, was presented Teacher of the Month Award for the month of January. A representative from Landers Ford presented Mrs. McLaughlin with a check for \$100. Landers Ford sponsored the award.

Mayor Palazzolo thanked both award winners for their leadership.

Alderman Klevan congratulated both award winners. He stated the award for the Teacher was a perfect example of our second generation growth in Germantown. He had known Ms. McLaughlin since grade school and it was refreshing to see the next generation come back and have successful careers in Germantown.

Citizens to be Heard

Sarah Wilkerson Freeman, 7684 Apahon Lane, stated the City Administration had committed an egregious error when it failed to upload the November 2013 Smart Code to the Municode website. She stated the 2007 Smart Code had been used and sometimes the 2013 Smart Code in their official directives to the Planning Commission. She felt the experts had been misled to use the wrong code.

She requested an investigation by the new administration of the episode which she called mismanagement and a failure of government.

Mr. Jeffrey W. Hester, 9570 Hedgeview Lane, requested the administration to look into his property for a fortification to the erosion occurring behind his property. He stated work was suppose to have been done in 2007 but had never been completed. He issued a formal request to fortify the ditch to stop the erosion.

Representatives from Germantown Community Theatre, Executive Director Dr. Michael Miles, Artistic Director Leigh Eck and Board Chairman Hal Beckham came forward to thank the City for the grant they had received from the City. Dr. Miles reported that progress on the demolition and rebuilding on the old stage was going well, a new sign had been erected on Forest Hill/Irene Road and the new lobby was in progress.

Mr. Miles presented a piece of artwork to the Mayor. The artwork was from a portion of the original stage and was up for auction at the annual gala.

Fiscal Year 2016 Budget Calendar – MOVED TO CONSENT

Great Hall Courtyard Construction

City Administrator Patrick Lawton stated the addition of the courtyard was included in this year's CIP in the amount of \$150,000.00. This project was identified as a funding priority by the Board of Mayor and Aldermen during the retreat held in February 2014. The Board anticipated that the addition of the courtyard would have a positive impact on the rental of the Great Hall as a new and expanded venue space thereby increasing the financial sustainability of the Great Hall which has already experienced a 213% increase in rental revenue over the past five years.

Wagner General Contractors submitted the lowest and most responsive bid in the amount of \$128,400.00. Since the contract was under budget, we can also include alternative No. 1 in the project, a metal picket fence and two gates.

Motion by Mr. Janda, seconded by Mr. Barzizza, to authorize the Mayor to enter into a contract with Wagner General Contractors in the amount of \$128,400.00 for the construction of the Great Hall Courtyard.

ROLL CALL: Barzizza-yes, Gibson-yes, Klevan-yes, Owens-yes, Janda -yes. Motion approved.

Bobby Lanier Farm Park Sewer Construction

CIP Manager Butch Eder explained that this is a construction contract with ENSCOR, LLC for the construction of a sanitary sewer to provide sewer service to the Bobby Lanier Farm Park in the amount of \$300,358.00.

This project will not only provide sewer service to the Farm Park but it will eliminate the sewer lift station that serves the Cloyes property and provide additional sewer capacity for future development of the Cloyes property.

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Motion by Ms. Gibson, seconded by Mr. Janda, to authorize the Mayor to enter into a contract with ENSCOR, LLC in the amount of \$300,358.00 for the construction of a sanitary sewer to provide sewer service to the Bobby Lanier Farm Park.

ROLL CALL: Barzizza-yes, Gibson-yes, Klevan-yes, Owens-yes, Janda -yes. Motion approved.

Fiscal Impact Analysis

City Administrator Patrick Lawton explained the importance of the fiscal impact analysis which is to provide a 25-year look at the build out of our city and its fiscal health based on the impact of development or a land use change on the costs and revenue to the city to serve this development. The analysis will allow the City to understand and estimate the difference between the costs of providing services to a new development such as roads - sewer and water – public safety and the revenues – property taxes – sales taxes – state shared allocation that will be generated and the net fiscal result for the city.

The firm will utilize case study – marginal cost approach providing for a greater understanding of the demographics of our community, the opportunity for growth under different scenarios and the true cost of providing City services over the next 25 years.

The study will take between 3-4 months to complete and will be coordinated out of Administration and a City project team consisting of Budget and Performance, Finance and Economic and Community Development.

Because of the unique nature of this work and the need to have it coincide with the strategic planning process, the City’s Procurement Department utilized the state law dealing with out of state cooperative purchasing agreements. Funding for this project was not included in the FY15 budget. Staff will prepare a year-end budget adjustment in May of this year to cover this expense.

Motion by Mr. Janda, seconded by Mr. Klevan, to recommend the use of a Cooperative Agreement with the City of Rockville, MD for a Fiscal Impact Analysis to be provided by TischlerBise, Inc. in the amount of \$85,480.00.

ROLL CALL: Barzizza-yes, Gibson-yes, Klevan-yes, Owens-yes, Janda -yes. Motion approved.

Sports Provider Agreements

Parks and Recreation Director Pam Beasley stated that each year the City implements contracts 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 make available. These programs are organized, scheduled and operated on behalf of the Parks and Recreation Department by the City’s designated Sports Providers performing as service providers in conjunction and cooperation with the City.

Motion by Ms. Gibson, seconded by Mr. Owens, to approve provider agreements with the Germantown Legends to become the Youth Soccer Provider, with the Houston Lacrosse Club to become the Youth Lacrosse Provider and the Germantown Baseball League to become the Youth Baseball Provider. These agreements are for a period of one-year with an option for (2) two additional one-year extensions.

ROLL CALL: Barzizza-yes, Gibson-yes, Klevan-yes, Owens-yes, Janda -yes. Motion approved.

Wolf River Blvd. Change Order #5 – MOVED TO CONSENT

PSA Supplement 7 – Construction Engineering and Inspection (CEI) for Wolf River Blvd. – MOVED TO CONSENT

Wolf River/Germantown Road PSA – MOVED TO CONSENT

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Ordinance 2015-4 – Amend Zoning Ordinance – Swimming Pools and Utility Easements

Economic and Community Development Director Cameron Ross stated that this was an amendment to streamline the permitting process for swimming pools. The Board of Zoning Appeals practice has been to approve variances to that setback requirement, provided the homeowner entered into a “hold harmless agreement” that releases the City and any easement user from responsibility if the swimming pool is damaged as a result of work being performed within the easement. This amendment will reduce the number of variance applications that Planning staff have to process and review.

Alderman Klevan stated that he had served on both the BZA and the Planning Commission and with the development of the City and the smaller lots, this is a common occurrence and this would be an easy and smoother way of processing these requests.

Motion by Mr. Barzizza, seconded by Ms. Gibson, to approve on first reading Ordinance 2015-04, Amendments to the Regulations on Residential Swimming Pool Locations, and set February 23, 2015 as the public hearing date.

ROLL CALL: Barzizza-yes, Gibson-yes, Klevan-yes, Owens-yes, Janda -yes. Motion approved.

Collection Agency – MOVED TO CONSENT

Public Hearing – Certificate of Compliance

The owners of Doc’s Wines and Spirits received a Certificate of Compliance for their retail package store in September of last year. Because of a mistake in the ad placed in the newspaper publicizing the application gave the wrong street address (6685 Poplar) the ABC is requesting another Certificate of Compliance from the City of Germantown. The correct address is 6645 Poplar, Suite 101.

Mayor Palazzolo opened the public hearing. Having no one come forward, the public hearing was concluded.

Motion by Mr. Owens, seconded by Mr. Barzizza, to issue a Certificate of Compliance to A. Keith May and Audrey M. Page, for a retail liquor store located at 6645 Poplar Ave., Suite 101.

ROLL CALL: Barzizza-yes, Gibson-yes, Klevan-yes, Owens-yes, Janda -yes. Motion approved.

Strategic Planning Steering Committee

Mr. Lawton stated the Mayor and Board had been discussing the need to update the 2020 Plan that was adopted in 2005. A strategic planning process has been developed to build a long-range vision for another 15 or 25 years. Administration staff will work very closely with this steering committee.

When the 2020 plan was being developed, it was decided the Mayor and Board would appoint the Steering Committee and then step back and let the Steering Committee “do their thing”. The Steering Committee will be empowered to move forward and develop a vision, long-range with objectives for the community.

Mayor Palazzolo stated this is a great team of citizens who will build our mission and our vision for the next 20 to 25 years. There is a broad base of leadership in the selection of these individuals.

The following individuals were recommended to serve on the Strategic Planning Steering Committee:

Allyson Avera	Michelle Johns	George Marinos	Antonio Scott
Matt Bailey	Russell Johnson	Dr. Norris McGehee	(HHS Rep)
Joey Beckford	Jenny Koltnow	Dr. Lyle Muller	Pat Scroggs
Stephanie Brockway	Roberta Kustoff	Kristen New	Rick Towne
Janie Day	Rev. Rebecca Luter	Donna C. Newman	Dick Vosburg

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Terry Fischer
(co chairman)
Jonathan Frase
Audrey Grossman
(co chairman)

Leah Makhloufi
(GHS Rep)
Greg Marcom

Steve Priddy
Marjorie Reynolds
Dan Roberts

John Wagner
Gary Yenser
Kevin Young
(co chairman)

Alderman Gibson stated she was very proud of the selection of these committee members.

Alderman Owens stated that he was also very proud of the selections and was very happy that some of the young citizens had been chosen to also serve.

Motion by Mr. Janda, seconded by Ms. Gibson, to approve the appointment of the 30 citizens to serve on the long-range planning steering committee.

ROLL CALL: Barzizza-yes, Gibson-yes, Klevan-yes, Owens-yes, Janda -yes. Motion approved.

CONSENT

Lake Maintenance Services Extension

This is the final year of a three-year agreement that will end on February 28, 2015. This extension will exercise the first option year of the contract with no increase in the annual cost. This contract includes maintenance and repairs of all lake fountains, pumps and water features along with a quantitative aquatic weed control maintenance program performed on a monthly basis.

MOTION: To enter into the first option year of the lake maintenance services contract with Aqua Services, Inc. for \$23,395.60.

Herbicide and Fertilizer Treatment Services Extension and Change Order #1

In 2012, the Board approved a three-year contract with two one-year options to provide herbicide and fertilizer treatment services. The final year of the three-year agreement will end on April 30, 2015. This contract will exercise the first option year of the contract with no increase in the annual cost. Change Order #1 includes adding 20 acres of greenway and two acres of medians at a cost of \$8,184.00.

MOTION: To enter into the first option year of the herbicide and fertilizer treatment services contract and to approve change order #1 in the amount of \$8,184.00 for a total annual cost not to exceed \$69,207.40.

Budget Acceptance Letter

The State of Tennessee, comptroller of the Treasury, Office of State and Local Finance approved the City's 2015 fiscal year budget as adopted by the Board of Mayor and Aldermen on June 23, 2014 with Budget Ordinance 2014-2.

MOTION: To enter into the minutes the letter from the State of Tennessee, Comptroller of the Treasury, Office of State and Local Finance dated December 1, 2014 approval of the City's 2015 fiscal year budget as adopted by the BMA.

Railroad Crossing Project

This will authorize a construction contract with Desoto County Electric, Inc. for construction of improvements to the railroad crossing at West Street and Poplar Pike in the amount of \$20,417.50. This work is necessary to upgrade the signage and provide motorists with a safer crossing. TDOT will reimburse the City for 100% of the design and construction costs.

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MOTION: To approve a construction contract with Desoto County Electric, Inc. in the amount of \$20,417.50 for the improvements related to the West Street and Poplar Pike railroad crossing enhancements.

Software for Germantown Athletic Club

Club management software is vitally important to the day-to-day operations of the facility, including check in, billing, collections, program registration, reporting, etc. The main goal of this project is to bring the current software technology current with industry trends and standards. There was only one vendor to submit a proposal for the RFP and that was Jonas Fitness, Inc. The recommendation is to enter into a contract with Jonas Fitness, Inc. in an amount not to exceed \$20,000.00.

MOTION: To authorize the Mayor to enter in a contract with Jonas Fitness, Inc. in an amount not to exceed \$20,000.00 for use of their complete version of web based fitness operations software and training.

Railroad Lease Agreement

The Norfolk Southern Railway Company leased the Depot Park to the City of Germantown in 1984. The lease has expired and the initial term of the new lease is for four years effective July 1, 2015 at a base rate of \$600.00 per year, subject to review.

MOTION: To authorize the Mayor to execute the lease agreement between the City of Germantown and the Norfolk Southern Railway Company.

Debris Collector Purchase

This additional machine is a self-contained twenty-five yard trailer mounted machine that is required to efficiently maintain proper drainage and reduce possible flooding that can occur when storm drains do not flow properly. The cost of the machine is \$42,677.00.

MOTION: To approve the purchase of a 2014 ODB Trailer Mounted Vacuum Debris Collector Model SCL800TM25 from Old Dominion Brush Company in the amount of \$42,677.00.

Appointments to Beautification Commission

Currently the Beautification Commission has several vacancies. This agenda item is to appoint Ms. Evelyn Ward, Ms. Lisa Stagoski and Ms. Lana Fowler to the Beautification Commission.

MOTION: To approve the appointments of Ms. Evelyn Ward, Ms. Lisa Stagoski and Ms. Lana Fowler to the Beautification Commission.

Appointment to Economic Development Commission

There is currently a vacancy on the Economic Development Commission and Ms. Elizabeth Sillay has agreed to serve on the Commission.

MOTION: To approve the appointment of Ms. Elizabeth Sillay to the Economic Development Commission.

Appointment to Historic Commission

Ms. Karen Rice has agreed to fill one of the four vacancies on the Historic Commission.

MOTION: To approve the appointment of Ms. Karen Rice to the Germantown Historic Commission.

Appointment to Industrial Development Board

There is currently a vacancy on the IDB and Mr. Greg Marcom has been asked serve.

MOTION: To approve the appointment of Mr. Greg Marcom to the Industrial Development Board.

Appointment to Germantown Community Library Board

Mrs. Sharon Goldsworthy has been asked to fill a vacancy on the Library Board.

MOTION: To approve the appointment of Mrs. Sharon Goldsworthy to the Germantown Community Library Board.

Appointment to Financial Advisory Commission

The Financial Advisory Commission allows up to 24 members. Presently there are 22 members. This request is to appoint Mr. Donnie Rose to the Financial Advisory Commission.

MOTION: To approve the appointment of Mr. Donnie Rose to the Financial Advisory Commission

Wolf River Blvd. Change Order #5 – MOVED FROM REG. AGENDA

This change order is related to an issue with the street lighting. Memphis Light Gas and Water (MLGW) has determined that the current street lighting grounding system does not meet their standards due to recent electrical code changes that have occurred. MLGW will not maintain the lighting system until the system is modified to meet the new requirements. Staff has been in contact with TDOT and they have confirmed that these additional expenses will be 80% reimbursable. After completion of the work, MLGW will maintain the lighting system. The City's responsibility is \$13,635.00.

MOTION: To approve Change Order #5 in the amount of \$68,175.00 to the Construction Contract with Acuff Enterprises d.b.a. Scott Contractors increasing the contract amount from \$19,668,024.38 to \$19,736,198.58 for the Wolf River Boulevard Project and to approve Budget Adjustment No. 15-40.

PSA Supplement 7 – Construction Engineering and Inspection (CEI) for Wolf River Blvd. – MOVED FROM REG. AGENDA

This supplement pertains to the additional construction engineering and inspection (CEI) services with Smith Seckman Reid, Inc. related to the MLGW Street Light Issue (Construction Change Order #5). TDOT was informed of the street light issues and agreed to cover the cost of construction and CEI services at the original contact of 80/20 shared responsibility. The cost is \$11,732.67.

MOTION: To approve Supplement 7 in the amount of \$11,732.67 to the Wolf River Boulevard CEI contract with Smith Seckman Reid, Inc., increasing the contract amount from \$3,546,441.74 to \$3,558,174.41 and to approve Budget Adjustment No. 15-42.

Wolf River/Germantown Road PSA – MOVED FROM REG. AGENDA

The intersection of Wolf River Blvd. and Germantown Road is one of the most heavily congested intersections within the entire Memphis-MPO area. This project is on a state route and TDOT has agreed to cover the 20% local match requirement. Therefore, the City will be reimbursed 100% of project expenditures. This supplement with Buchart-Horn, Inc. in the amount of \$90,224.00 will increase the ceiling from \$49,785.00 to \$140,009.00 for design and preparation of construction documents related to this intersection improvements project.

MOTION: To approve Supplement No. 1 to a professional services agreement with Buchart-Horn, Inc. in the amount of \$90,224.00, increasing the contract amount from \$49,785.00 to \$140,009.00 for design services related to the Wolf River Boulevard/Germantown Road interaction Improvements project.

Fiscal Year 2016 Budget Calendar – MOVED FROM REG. AGENDA

In order to have the FY16 budget adopted prior to July 1, 2015, the budget calendar is developed to identify the milestones and public meetings to be held with the Financial Advisory Commission and the Board of Mayor and Aldermen.

MOTION: To approve the Fiscal Year 2016 Budget Calendar.

ADD-ON – Tennessee Agricultural Enhancement Grant

A grant proposal requesting \$1,000.00 to enhance public awareness of the City's Thursday evening farmer's market at the Farm Park was written and submitted to the Tennessee Department of Agriculture in December for consideration through their Tennessee Agricultural Enhancement Grant program. The City received notice of approval for the grant proposal which can be used for marketing and promotional purposes.

MOTION: To recognize a grant for \$1,000.00 from the Tennessee Department of Agriculture and to authorize the Mayor to enter into an agreement with this state agency to increase promotion and public information activities for the Farmer's Market at the Farm Park.

Motion by Mr. Janda, seconded by MS. Gibson, to approve the agenda as amended.

ROLL CALL: Barzizza-yes, Gibson-yes, Klevan-yes, Owens-yes, Janda -yes. Motion approved.

ADJOURNMENT

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

Mike Palazzolo, Mayor

Dotty Johnson, City Clerk/Recorder