

BOARD OF MAYOR AND ALDERMEN

February 8, 2016

The regular meeting of the Board of Mayor and Aldermen was held on Monday, February 8, 2016 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, Fire Chief John Selberg, Pam Beasley, Tony Fischer, Steve Wilensky, Paul Chandler, Reynold Douglas, Cameron Ross, Phil Rogers, Butch Eder, Lisa Piefer and Dotty Johnson.

Call to Order

Mayor Palazzolo called the meeting to order.

Invocation

General Services Director Reynold Douglas gave the invocation.

Mayor Palazzolo asked for a moment of silence in memory of the City's former mayor, Dub Nance.

Pledge of Allegiance

Alderman Mary Anne Gibson led the Pledge of Allegiance.

Approval of Agenda

There were no changes to the agenda.

Motion by Mr. Janda, seconded by Ms. Gibson, to approve the agenda as printed.

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

Approval of Minutes

There were two corrections to the minutes. One of the Education Commission members name was wrong, it should have been Mr. Steve Chandler and on page 7 on the last paragraph, first sentence it should read "at one public hearing".

Motion by Mr. Janda, seconded by Ms. Gibson, to accept the minutes of the Board of Mayor and Aldermen meeting held January 25, 2016 as amended.

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

Teacher of Month

Alderman Gibson along with Education Commission members Mindy Fischer and Stephanie Brockway presented Mrs. Jessica Minton with the Teacher of the Month award. Mrs. Minton teaches honors physical science, eighth grade science and STEM at Riverdale School.

Youth Excellence Award

Alderman Gibson and Education Commission members Mindy Fischer and Stephanie Brockway presented Ms. Alyssa Neuberger, a senior at Briarcrest Christian School, with the Youth Excellence Award for the month of February.

Citizens to be Heard

No citizens came forward to speak.

CONSENT

Recognition of Donation – Germantown Community Library

Donations were made to the Germantown Community Library of \$100.00 from the Shelby County Republican Women, \$600.00 from the Heritage Women’s Club, \$1,000.00 from the Germantown Civitan Club, \$100.00 from English Meadows Garden Club, \$750.00 from the Friends of the Germantown Community Library and \$50.00 to the Germantown Regional History and Genealogy Center from Chief Piomingo Chapter NSDAR.

MOTION: To recognize donations made to the Germantown Community Library in the amount of \$2,550.00 and the Germantown Regional History and Genealogy Center in the amount of \$50.00 and to approve Budget Adjustment No. 16-34.

Recognition of Donation – Germantown Historic Commission

Donations were made to the Historic Commission totaling \$1,766.87 to support the restoration of the Depot building. The commission received donations from the following organizations: \$700.00 from the Sons of the Confederate Veterans, General Robert E. Lee Camp for a Civil War marker for the 4th Tennessee Regiment to be installed at Depot Park later this year. Donations were also made to support the restoration of the Depot building from Sandra Wilson- \$300.00, Alderman John Barzizza - \$330.00 and sale of note cards and t-shirts - \$436.87.

MOTION: To recognize donations made to the Germantown Historic Commission totaling \$1,766.87 and to approve Budget Adjustment No. 16-37.

The Mayor introduced some of the members from the Sons of the Confederate Veterans who had made donations to the Historic Commission. They stated they valued the City’s participation in the preservation of the history of the area and they look forward to working with the City on future projects.

Alderman Barzizza noted the opening of the Depot had been a great success and he appreciated all the volunteers and donations that had come forward.

Recognition of Grant Funds – Big Read

The City of Germantown received a grant of \$10,000 from the National Endowment for the Arts to host The Big Read. The City is one of 75 nonprofit organizations to receive a grant to host the Big Read project between September 2015 and June 2016.

MOTION: To recognize a grant from the National Endowment for the Arts received by the City for the Big Read totaling \$10,000.00 and to approve Budget Adjustment No. 16-36.

Budget Adjustment – Police Department Purchase

The Germantown Police Department receives a reinstatement fee of \$25.00 from the State of Tennessee when a person renews their driver’s license after being arrested for a suspended or revoked driver’s license. The fee can only be utilized in traffic enforcement or to purchase equipment that is used for traffic enforcement. As in the past, the Police Department will purchase handheld radar units with these funds.

MOTION: To approve Budget Adjustment No. 16-31.

Landscape & Mowing Services Extension

In December of 2012, the Board approved a three-year contract with two one-year options to provide mowing and landscaping services. The final year of the three-year agreement will end on March 31, 2016. This extension will exercise the first option year of the contract with an increase of \$9,540.69 provided in the original bid.

MOTION: To enter into the first option year of the landscape and mowing services contract with Landscape Services Group in the amount of \$482,141.60.

Lake Maintenance Services Extension

This is the second option year of the five-year lake maintenance services contract with Aqua Services Inc. for \$23,395.60. The contract will continue to provide any necessary chemical applications, lake colorant and any maintenance required on fountains, pumps and water features.

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

Herbicide & Fertilizer Treatment Services Extension

In 2012, the Board approved a three-year contract with two one-year options to provide herbicide and fertilizer treatment services. This is the second option year of the three-year agreement in the amount of \$69,207.40.

MOTION: To enter into the second option year of the herbicide and fertilizer treatment services contract in the amount of \$69,207.40.

Non-Inventory Janitorial Items

This is an annual full service rental agreement with UniFirst Corporation to provide services for non-inventory janitorial items in City buildings.

MOTION: To approve an annual full service rental with UniFirst Corporation in the amount of \$16,597.36 to provide services for non-inventory janitorial items in City buildings.

Motion by Mr. Klevan, seconded by Mr. Owens, to accept the Consent Agenda as read.

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

REGULAR AGENDA

Certificate of Compliance for Wine in Grocery Store – Kroger #419

City Administrator Patrick Lawton stated the Kroger store was in compliance with the provisions of the Tennessee Code Annotated. The state Alcoholic Beverage Commission will begin issuing retail food store wine licenses on July 1, 2016. Applications can be issued prior to that date.

Motion by Mr. Barzizza, seconded by Ms. Gibson, to approve the Certificate of Compliance – Retail Food Store from Ms. Christine Wheatley, executive officer of Kroger's located at 7735 Farmington.

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

Adoption of Germantown Forward 2030 Strategic Plan

Mr. Lawton explained the Germantown Forward 2030 Strategic Plan is being presented after a year's worth of work, hundreds of hours spent reviewing and understanding the challenges and opportunities that face our community today and in the future.

The development of this plan would not have been possible without the hard work of a group of volunteers the Board selected, the 2030 Steering Committee. Citizen involvement in this planning document went beyond the steering committee to a room of several hundred people, in a town hall setting in July, who helped further define the vision.

Many of the people at the town hall meeting signed up to serve on nine different task forces designed to bring accountability and responsibility to the words and aspirations contained with the vision and value statement.

Mr. Lawton explained that Germantown Forward 2030 is first and foremost a statement of possibility about the ideal state we hope to achieve in 2030. It is backed up by a series of key performance areas, strategic objective, and milestone and performance indicators to track our efforts and build a sustainable Germantown. The Plan was endorsed by the steering committee on January 20 and presented to the Board at the retreat on January 29.

Mr. Lawton thanked the Board for the opportunity provided to the administration to facilitate the process and the City staff assigned to work with the various task forces. He also thanked the steering committee for their commitment of time, ideas, and energy to not only develop the vision statement but also to understand the statement with its clearly articulated value based principles and performance standards truly is a means to an end – more than a sustainable Germantown but a resilient community strong, healthy and successful.

Representatives from the steering committee were present as well as the two co-chairs Audrey Grossman and Kevin Young. Ms. Grossman thanked the Board and citizens. She stated it was an amazing experience and an education for all. She offered special thanks for the two students from Houston High School and Germantown High School who participated and gave invaluable contributions.

Alderman Owens thanked Mr. Lawton for being the facilitator for the committee and the staff members which saved the City thousands of dollars. He then asked Mr. Lawton to discuss the time-line that was set.

Mr. Lawton stated the time-lines are to hold the City accountable for achieving the action plans that support the strategic objectives contained within the Plan. Without the time-lines, plans could sit stagnant and this gives us something to achieve.

Alderman Gibson stated the level of commitment to the 30 plus members on the steering committee was outstanding and she thanked them for that commitment.

Alderman Klevan stated he was so very proud of the accomplishment of the committee and thanked them for their efforts.

Alderman Janda thanked the committee for the “road map”.

Alderman Barzizza thanked the committee for all the time and work they did.

Mayor Palazzolo asked that the Vision statement and Community Values be made a part of the record:

VISION: Germantown is a vibrant modern community, the community of choice, offering outstanding quality of life for all generations. The government is fiscally sound and provides top quality public safety and services responsive to community requirements. Engaged residents honor the past, treasure the present and responsibly shape Germantown’s future.

THE COMMUNITY VALUES: Excellence in Education. Innovation, creativity and continuous improvement. Lifestyle opportunities as part of the fabric of everyday life. Natural and designed beauty and smart community growth. Strong, healthy and sustainable community. Culture of excellence and kindness. Local and regional partnerships.

Motion by Ms. Gibson, seconded by Mr. Owens, to adopt the Germantown Forward 2030 Strategic Plan.

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

Mayor Palazzolo thanked the group for their year of work to develop the Strategic Plan.

Mr. Lawton noted for the record, that one of the strengths in the whole process was the role the Mayor and Board did not take part in the process. The Mayor and Board had stated in the beginning that the plan would be developed by the citizens. He applauded the Mayor and Board for stepping out and allowing the community to create the document with some different roles and objectives.

Resolution 16R10 – Amendment to Pension Plan

Mr. Lawton explained that, in 1990, the Board passed an amendment to the pension plan to allow public safety employees (fire and police) the ability to contribute a portion of their salary to the pension fund in order to retire early at age 50 and normal retirement at age 55. The rationale behind this differential within the plan at that time was that the life expectancy for public safety employees was shorter than other public employees. The contribution by public safety personnel also support a pension “bridge” until social security benefits are available at which time the bridge falls away.

Public Works employees had approached administration about the option to contribute to the pension plan in a manner similar to police and fire. Information shows the deteriorating physical conditions of many of our Public Works employees experience after years of working in difficult conditions. It was determined that 41 of the 70 Public Works employees and 7 of the 25 General Services employees could contribute 7% of their annual salary and have the option to retire early at age 50 or normal retirement at age 55. The annual contribution from the City in the amount of 3.3% would also be necessary to support this amendment to the plan.

In response to a question from Alderman Owens and Alderman Janda, Human Resources Director Steve Wilensky stated the General Services employees also must lift heavy objects, work in sometimes cramped positions, up and down ladders and are at physical risk over long periods of time.

Alderman Klevan commented that he had analyzed this plan felt this was very good idea and would help take care of employees. The longevity of the people working in these positions will help these employees.

Mr. Wilensky stated they had tried very hard to explain everything to the employees. There have been meetings for clarification of issues and there will be subsequent meetings both individually and collectively before elections are made.

Motion by Mr. Klevan, seconded by Mr. Barzizza, to approve Resolution No. 16R10 – an amendment to the City’s defined benefit pension plan.

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

Commission Reports

Alderman Gibson reported the Education Commission held the “Battle of the Brains” at Houston High School. There were 14 teams that attended and the projects were very innovative and imaginative. She thanked Dr. Dino Palazzolo and Dr. Stephanie VanArsdale for all their work.

Alderman Klevan recognized the Library Board and Daniel Page for the unbelievably successful Book Drive between the schools. Over 20,000 books were collected.

Adjournment

The meeting was adjourned at 6:55 p.m.

BEER BOARD

Mayor Palazzolo was present and convened the Beer Board.

The following aldermen were present: John Barzizza, Mary Anne Gibson, Dave Klevan, Forrest Owens and Rocky Janda.

Suspension/Revocation – Beer Permit – Circle K Store

Assistant Prosecuting Attorney Mark McDaniel asked the representative for Circle K, Ms. Catherine James, District Manager, and Officer Cordo with the Germantown Police Department to please come forward and be sworn in.

Attorney Mark McDaniel explained that on November 24, 2015, the Germantown Police Department (GPD) conducted an undercover sting investigation of beer permit holders in the City of Germantown. On that date, a Cooperating Individual, working with the GPD, who was 19 years of age, entered into the Circle K Store and purchased beer from the cashier. The cashier did not check the identification of the Cooperating Individual before selling the beer. Officer Cordo witnessed the transaction and the cashier was issued a misdemeanor citation for selling beer to a minor.

On behalf of Circle K, Ms. James admitted the actions took place.

Motion by Mr. Janda, seconded by Ms. Gibson, to find Circle K Store located at 9113 Winchester Rd., guilty of a violation of the Germantown Beer Ordinance regarding selling of beer to a minor.

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

Ms. James stated she was in the process of getting all twelve of her stores set up with the Tennessee Responsible Vendors Program. The sales associate was terminated at that time. The associates are trained quarterly, they have computer based training, they are provided with a legal age machine that tells them if a person is actually of age. She stated they were in the process of changing their computers where they will have to run a license through before a sale can be completed.

Motion by Mr. Klevan, seconded by Mr. Janda, to issue a seven day suspension or pay civil penalty of \$500 in lieu of the suspension within seven days.

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

Suspension/Revocation – Beer Permit – Fresh Market

Attorney Jim Curry was sworn in. Mr. Curry represented the Fresh Market.

Mr. McDaniel stated on November 24, 2015, the Germantown Police Department (GPD) conducted an undercover sting investigation of beer permit holders in the City of Germantown. On that date, a Cooperating Individual, working with the GPD, who was 19 years of age, entered into the Fresh Market and purchased beer from the cashier. The cashier did check the identification of the Cooperating Individual before selling the beer. Officer Cordo witnessed the transaction and the cashier was issued a misdemeanor citation for selling beer to a minor.

Mr. Curry stated that Fresh Market would be admitting to the violation.

Alderman Barzizza stated as the City is in process of naming a citizen Beer Board he would like to see some language written into the Ordinance regarding a length of time to consider violations. He felt ten years was much too long to consider.

Attorney McDaniel agreed and stated he usually only considers the last five years.

Motion by Mr. Owens, seconded by Mr. Janda, to find Fresh Market located at 9375 Poplar Ave., guilty of a violation of the Germantown Beer Ordinance regarding selling of beer to a minor.

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

Mr. Curry stated Terry Paine, the Store Manager, and Jonathan Morel the District Manager from Fresh Market were present. He explained that with all the systems in place there is some humanity that goes into it. This was a mistake. They have stuck by the young lady that made the mistake. The prosecutors have given her the chance to attend a responsible service class provided by Justice Network in exchange for the dismissal of the citation. After the last citation in 2013, they put into place a "secret shopper" program. They have had 23 secret shopper sales where they can make corrections and correct mistakes along the way.

Mr. McDaniel asked if part of the training was that the underage driver license clearly states they are under age.

Mr. Curry stated that was a good point and should be a part of the training.

Motion by Mr. Owens, seconded by Mr. Janda, to issue a fourteen day suspension or pay a civil penalty of \$1,000 in lieu of the suspension to be paid within seven days.

ROLL CALL: Barzizza-no, Gibson-yes, Klevan-yes, Owens-yes, Janda-yes. Motion approved.

Suspension/Revocation – Beer Permit – Forest Hill Irene Exxon

Mr. Aziz Khatani, owner of Exxon was sworn in.

Mr. McDaniel stated on November 24, 2015, the Germantown Police Department (GPD) conducted an undercover sting investigation of beer permit holders in the City of Germantown. On that date, a Cooperating Individual, working with the GPD, who was 19 years of age, entered into the Forest Hill Irene Exxon and purchased beer from the cashier. The cashier did check the identification of the Cooperating Individual before selling the beer. Officer Sternberger witnessed the transaction and the cashier was issued a misdemeanor citation for selling beer to a minor.

Mr. Khatani admitted the violation took place.

Motion by Mr. Janda, seconded by Mr. Klevan, to find Forest Hill Irene Exxon located at 9100 Poplar Ave., guilty of a violation of the Germantown Beer Ordinance regarding selling beer to a minor.

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

Mr. Khatani stated this was a new cashier and the license was checked but she entered the wrong date into the cash register. At the end of each day, he stated they check all the receipts of the beer sales to make sure there are no violations. He stated he sincerely apologizes and hopefully it will not happen again. They have three employees who have worked for him for some time and this was a mistake they made and hopefully it will not happen again.

Motion by Ms. Gibson, seconded by Mr. Janda, to issue a seven day suspension or pay a civil penalty of \$500 to be paid within seven days.

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

Mayor Palazzolo thanked Asst. Prosecutor Mark McDaniel, Police Chief Hall and officers Cordo and Sternberger. He stated he wanted the public to know that administration takes these violations very seriously and will continue to protect the public by making the beer permit holders take it seriously as well.

Adjournment

The Beer Board was adjourned.

Mike Palazzolo, Mayor

Dotty Johnson, City Clerk/Recorder