

BOARD OF MAYOR AND ALDERMEN

February 22, 2016

The regular meeting of the Board of Mayor and Aldermen was held on Monday, February 22, 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, Tim Gwaltney, Wade Morgan, Lisa Piefer, Bo Mills and Dotty Johnson.

Call to Order

The Mayor called the meeting to order.

Invocation

Public Works Director Bo Mills gave the invocation.

Pledge of Allegiance

Alderman Forrest Owens led the Pledge of Allegiance.

Approval of Agenda

There was one change to the agenda, an Add-On – Germantown Greenway Trail Change Orders No. 1, 2 & 3.

Motion by Mr. Kevan, seconded by Mr. Owens, to approve the agenda as amended.

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

Approval of Minutes

There was one correction to the minutes, on page 5, second paragraph, the first sentence should read, the Mayor and Board did not take “part” in the process.

Motion by Mr. Janda, seconded by Ms. Gibson, to approve the minutes as amended.

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

Arbor Day Proclamation

Mayor Palazzolo read a proclamation for a day, March 4, 2016, be set aside honoring the 144th anniversary celebration of Arbor Day. The Germantown Tree Board and Beautification Commission invite everyone to support the city’s twenty-fifth anniversary of being designated as a “Tree City USA” by the National Arbor Day Foundation by participating in a “free dogwood tree give-away” program and the Germantown Annual Fruit Tree Sale.

Citizens to be Heard

Michael Stoll, 2546 Regents Walk, complained that the City government was not transparent and open to the public because he was not allowed to attend the bond sale.

CONSENT

Appointment to Public Safety Education Commission

Mr. Donald Theeuwes has expressed a desire to fill a vacancy on the Public Safety Education Commission.

MOTION: To approve the appointment of Mr. Donald Theeuwes to the Public Safety Education Commission for the calendar year 2016.

Appointment to Board of Equalization

Mr. Floyd R. Ramage, of 1829 Oak Hill Cove, had expressed the desire to continue to serve on the Shelby County Board of Equalization. His term will expire on April 30, 2018.

MOTION: To approve the appointment of Floyd R. Ramage as the City of Germantown's representative to the Shelby County Board of Equalization for a term of two (2) years to expire on April 30, 2018.

Bulk Purchase – Cement Treated Base Mix

On May 11, 2015, the Board approved a one-year contract establishing unit pricing for the purchase of cement treated base mix. The original purchase is almost complete and staff requests approval of another bulk order utilizing the low bid price of \$25.25 per ton from Standard Construction Company, Inc.

MOTION: To approve the purchase of 2,000 tons of cement treated base mix in the amount of \$50,500.00 from Standard Construction Company, Inc.

Recognition of Donation – Education Commission

Donations of \$7,500.00 were given to the Education Commission to support the work of the annual Battle of the Brains math and science competition and cash awards for Teacher of the Month and Teacher of the Year.

MOTION: To recognize donations to the Germantown Education Commission totaling \$7,500.00 and approve Budget Adjustment No. 16-40.

Rejection of Proposals: Design and Publication of Local Magazine

On December 29, 2015, Procurement received one proposal from the Carter Malone Group, LLC for the Design and Publication of a Local Magazine which would replace the City's current FYI magazine. During the course of evaluation of the proposal, it was determined that the proposed cost exceeds the planned expenditure in the FY16 budget. Staff recommends rejection of all proposals related to the Design and Publication of Local Magazine.

MOTION: To approve the rejection of all proposals related to RFP2016-018 Design and Publication of a Local Magazine.

HVAC Piping Replacement – City Hall

There are a total of four air handler units that are equipped with chilled and hot water heat exchangers to temper the airflow to the Dispatch, Jail, Court Room and People Street area. Due to deterioration and corrosion of the existing piping of these air handlers, replacements are necessary to install the new water flow mixing valves.

MOTION: To authorize the Mayor to enter into a contract with Metro Mechanical Contractors Inc. in the amount of \$19,392.00 for HVAC piping replacement in the City Hall building.

Annual Fire Alarm Protection Service

City-owned buildings that are equipped with fire alarm systems and fire sprinkler systems are due for annual inspections and testing as required by State Law.

MOTION: To authorize the Mayor to enter into an annual contract with Simplex Grinnell, LP to inspect and test City-owned fire protection systems in the amount of \$10,701.85.

Motion by Mr. Barzizza, seconded by Mr. Owens, to approve the consent agenda as presented.

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

Mayor Palazzolo recognized and welcomed Shelby County Trustee Mr. David Lenoir who was present to observe.

Public Hearing – Ordinance 2016-01 – Amendment to Chapter 21 – Utilities Ordinance

City Administrator Patrick Lawton explained that this ordinance amendment to our utilities ordinance impacts the billing section only. If approved by the Board it would allow our residential customers, if they have paid the net amount on their bill by the due date for 12 consecutive months, to have late fees waived. Currently this ability is not in place in our utility ordinance. However, if the customer falls into this category, they must initiate this request.

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

Motion by Mr. Barzizza, seconded by Mr. Janda, to approve Ordinance 2016-01 on second reading.

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

Annual Cured in Place Pipe Utilities Contract

Public Works Director Bo Mills explained that the Cured in Place Pipe rehabilitation program has been utilized within the City for twenty-two years to restore pipe integrity, improve sewer and storm water flows and seal out ground water infiltration with minimum disruption of work sites and little to no interruption of services to the citizens and customers. Insituform Technologies, LLC is currently a member of the Buy Board Cooperative Group and has done business with the City on an annual basis for many years with many positive results.

Motion by Mr. Janda, seconded by Ms. Gibson, to authorize the Mayor to enter into a contract with Insituform Technologies, LLC in an amount not to exceed \$390,000.00 for the FY16 Annual Cured in Place Pipe Utility Contract.

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

Annual Milling and Paving Contract

Mr. Mills stated the Public Works Department has a proactive preventive street maintenance program to annually grade, evaluate and schedule the candidate streets throughout the City for milling and for pavement resurfacing. The business plan objective is to prepare and resurface approximately ten miles annually. In preparation for the overlay program, select streets must be milled to protect the integrity of curbs, driveways and drainage characteristics.

The thermoplastic striping application is included in the annual contract and funded by the Street Striping line item in the State Street Aid Budget.

Motion by Ms. Gibson, seconded by Mr. Barzizza, to authorize the Mayor to enter into a contract with Lehman Roberts Co. in an amount not to exceed \$1,800,000.00 for the FY16 Annual Milling and Paving Contract.

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

Approval of Interfund Reimbursement Agreement

During the semiannual Board of Mayor and Aldermen retreat in January 2015, school officials began the conversation with the Board of Mayor and Aldermen and City administration about school capacity, growth in enrollment and the physical condition of the five GMSD schools. The items to be addressed also came with a price. To ensure adequate resources to address the current and projected capital requirements, the Board instructed the administration to conduct a debt capacity analysis of our existing debt management policy and bring forward any recommendations.

Working with the City's financial advisor, PFM, an evaluation of the City's debt capacity related to debt for the GMSD's capital needs was conducted based on several economic indicators that restrict the amount of debt the City can borrow. Based on this review and recommendation by the City's Financial Advisory Commission, our debt management policy was amended in April 2015 and we began to look more closely at the District's capital needs in FY16.

First on the list was the expansion of Riverdale Elementary School with a 7th and 8th grade wing, new gym and associated administrative space and the removal of 20 portables. Total price tag is about \$12,000,000. In the development of the City's capital plan for FY16 and our five-year financial plan, the realization came that there was only so much we could bond on the overall project. In conversation with District and City leadership, the possibility of GMSD contributing to the overall debt service was first discussed.

The development of the Interfund Reimbursement Agreement began to take shape after discussions with District and City leadership. Because the State of Tennessee views the District as a special revenue fund of the City, these types of transactions within the City's overall budget should be addressed in this type of document.

Prior to the Board of Mayor and Aldermen meeting, the Germantown Board of Education met in a special called meeting and adopted the Agreement. Mr. Lawton thanked the legal team involved, City staff and the District in the development and review of the Agreement – Debbie Wiles, Cindy Barnett, Deb Owen, and the review by our financial advisory, Lauren Lowe.

Mayor Palazzolo introduced Superintendent Jason Manuel, School Board Chairman Linda Fisher, School Board Member Natalie Williams, School Board Member Lisa Parker.

Mr. Manuel then thanked the Board of Mayor and Aldermen and the role each had placed with the project. Riverdale Elementary was built for 800 students, with one cafeteria and one gym. This project will not just replace room for room, it will add instructional capacity to the school. Without the City's role in this project, they would not be able to break ground.

Ms. Parker stated "it was unprecedented that a school board would contribute \$4 million of their capital improvement dollars but the removal of the Riverdale portables was high priority to all board members. It is important that we provide our students with safe, secure and positive learning environment."

Motion by Ms. Gibson, seconded by Mr. Barzizza, to authorize the Mayor to execute the Interfund Reimbursement Agreement between the City of Germantown and the Germantown Board of Education and to authorize the City Administrator to disburse project funds to the Germantown Municipal School District based upon City Administrator's approval of construction payment requests in accordance with the Agreement.

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

Award of Bond Sale – Resolution 16R14

Mr. Lawton explained the two basic approaches the City uses to fund capital projects: Pay-as-you-go means paying for the capital project out of current revenues at the time of the expenditure and pay-as-you-use means borrowing to finance the expenditure with debt service payments generated from revenues raised through the useful life of the project. The City's capital improvements plan uses a combination of both financing methods. We use reserves in the CIP for short-term life projects under 15 years. Bonds are issued for those projects with a greater life span and represent significant public works projects.

This year's amended budget for FY16 included the issuance of General Obligation Bonds for the construction of the Riverdale Elementary School expansion, the improvements to Lateral G drainage ditch and drainage improvements at Grove Park subdivision and Cameron Brown Park, and the milling and

paving of Wolf River Boulevard east of Farmington to our corporate limits. These projects total approximately \$16 million. G.O. Bonds are backed by the full faith and credit of the City. During the review of our current debt structure by our financial advisor, PFM, it was determined that a portion of the Series 2006 and 2009 bond issues could be refinanced as well, with present value savings of \$284,395.

Mr. Lawton explained the various resolutions that were necessary to begin the debt issuance process. Following extensive prep work by City staff and assistance by PFM, the credit rating agencies of S&P and Moody's have reaffirmed the City's AAA rating. The AAA rating is the highest possible rating assigned to a local government by the rating agencies and ensures that the City has an exceptional degree of creditworthiness and can meet its financial commitments. It also assures that when the City enters the credit market we will receive the best interest rate. Over the years maintaining our AAA rating has saved the City millions of dollars in interest payments when compared to a lesser rated credit.

Ms. Lauren Lowe with PFM described the bidding process and announced the winner and the true interest costs. There were eight banks signed to participate and six bids were received. FTN Financial Capital Markets won the bid with 3.112440%. The New York office of FTN submitted the bid. After the Board votes on the bonds FTN will be notified that they have been formally awarded as the underwriter on the bond issue on both Bond Series 2016A and Bond Series 2016B.

RESOLUTION NO. 16R14

RESOLUTION AWARDING THE \$7,935,000 GENERAL OBLIGATION IMPROVEMENT AND REFUNDING BONDS, SERIES 2016A, AND THE \$10,220,000 GENERAL OBLIGATION BONDS, SERIES 2016B OF THE CITY OF GERMANTOWN, TENNESSEE.

WHEREAS, on January 25, 2016, the Board of Mayor and Aldermen (the "Board"), of the City of Germantown, Tennessee (the "Municipality") adopted that certain "Resolution Authorizing the Execution, Terms, Issuance, Sale, and Payment of Not to Exceed \$9,000,000 General Obligation Improvement and Refunding Bonds, Series 2016A of the City of Germantown, Tennessee, and Providing the Details Thereof" authorizing the issuance and sale of not to exceed \$9,000,000 General Obligation Improvement and Refunding Bonds, Series 2016A (the "Series 2016A Bonds") and that certain "Resolution Authorizing the Execution, Terms, Issuance, Sale, and Payment of Not to Exceed \$12,000,000 General Obligation Bonds, Series 2016B of the City of Germantown, Tennessee, and Providing the Details Thereof" authorizing the issuance and sale of not to exceed \$12,000,000 General Obligation Bonds, Series 2016B (the "Series 2016B Bonds") (the Series 2016A Bonds and the Series 2016B Bonds together collectively referred to as the "Bonds");

WHEREAS, the Official Notice of Sale (the "Notice of Sale") for the Bonds was posted on the website of i-dealprospectus.com on February 12, 2016, and updated on February 18, 2016;

WHEREAS, the Board of the Municipality, upon the advice of their financial advisor, has determined it to be in the best interests of the Municipality to accept electronic bids only in connection with the sale of the Bonds;

WHEREAS, pursuant to the Notice of Sale the following electronic bids were received for the Bonds:

<u>Name of Bidder</u>	<u>True Interest Cost</u>
FTN Financial Capital Markets	3.112440%
Raymond James & Associates, Inc.	3.128151%
Piper Jaffray	3.134426%
Robert W. Baird & Co., Inc.	3.170087%
SunTrust Robinson Humphrey	3.174221%
Hutchinson, Shockey, Erley & Co.	3.223017%

WHEREAS, pursuant to said Notice of Sale, the Board of the Municipality has reviewed all bids received with respect to the Bonds and hereby awards the sale of the Bonds to the lowest bidder.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF GERMANTOWN, TENNESSEE:

Section 1. The bid of FTN Financial Capital Markets (the “Purchaser”) is the bid which results in the lowest true interest cost to the Municipality and in all respects complies with the Notice of Sale.

Section 2. It is hereby ordered that the bid of the Purchaser be, and the same is hereby accepted, and the Board hereby awards and sells to the Purchaser, the Series 2016A Bonds in the aggregate principal amount of \$7,935,000 and the Series 2016B Bonds in the aggregate principal amount of \$10,220,000, dated the date of original issuance and delivery, which shall mature serially and as term bonds on the first day of June in the years and in the aggregate principal amounts as follows:

<u>Series 2016A Bonds</u>			<u>Series 2016B Bonds</u>		
*Term Bonds					
<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2017	\$580,000	2.000%	2017	\$90,000	2.000%
2018	\$265,000	2.000%	2018	\$195,000	2.000%
2019	\$260,000	2.000%	2019	\$200,000	2.000%
2020	\$555,000	3.000%	2020	\$205,000	2.000%
2021	\$535,000	4.000%	2021	\$210,000	2.000%
2022	\$460,000	2.000%	2022	\$210,000	3.000%
2023	\$435,000	5.000%	2023	\$220,000	2.000%
2024	\$460,000	5.000%	2024	\$225,000	3.000%
2025	\$480,000	5.000%	2025	\$230,000	4.000%
2026	\$505,000	5.000%	2026	\$240,000	4.000%
2027	\$530,000	5.000%	2027	\$250,000	5.000%
2028	\$560,000	5.000%	2028	\$265,000	5.000%
2029	\$580,000	5.000%	2029	\$270,000	5.000%
2030	\$210,000	5.000%	2030	\$285,000	5.000%
2031	\$225,000	5.000%	2031	\$300,000	5.000%
2032	\$235,000	5.000%	2032	\$315,000	5.000%
2036*	\$1,060,000	5.000%	2033	\$330,000	5.000%
			2034	\$345,000	5.000%
			2037*	\$1,155,000	5.000%
			2040*	\$1,335,000	5.000%
			2043*	\$1,545,000	5.000%
			2046*	\$1,800,000	5.000%

The Bonds shall bear interest payable semiannually on June 1 and December 1 of each year, commencing December 1, 2016, shall be issued in book-entry form, shall be fully registered, without coupons, and shall be in the denomination of \$5,000 and authorized integral multiples thereof.

Section 3. Ratification and Confirmation. All prior actions and resolutions of the Municipality pertaining to the issuance of the Bonds are hereby in all particulars ratified, approved, and confirmed.

Section 4. Partial Invalidity. If any one or more of the provisions of this Resolution, or of any exhibit or attachment thereto, shall be held invalid, illegal, or unenforceable in any respect, by final decree of any court of lawful jurisdiction, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, or of any exhibit or attachment thereto, but this Resolution, and the exhibits and attachments thereto, shall be construed the same as if such invalid, illegal, or unenforceable provision had never been contained herein, or therein, as the case may be.

Section 5. Conflicting Resolutions Repealed. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 6. Effective Date. This Resolution shall take effect from and after its adoption, the welfare of the Municipality requiring it.

Approved and adopted this 22nd day of February, 2016.

Mayor Palazzolo read some comments from some of the reports about our city after receiving the ratings.

Alderman Klevan stated this was such a great example of our city's fiscal responsibility. In a response to a citizen's response he stated "for the record" he had attended the bond sale as an alderman and it was his right to do so. He was there to watch the process and had no control or input into the process. He stated that if Mr. Lawton was criticized for anything it would be from being overly cautious to not create a situation that was in violation of the Sunshine Law.

Motion by Mr. Janda, seconded by Ms. Gibson, to approve the Resolution 16R14 awarding \$7,935,000.00 General Obligation Improvement and Refunding Bonds Series 2016A, and the \$10,220,000.00 General Obligation Bonds Series 2016B at the interest rates thereby reflected to FTN Financial Capital Markets.

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

Public Hearing – Resolution 16R07 - TraVure Amended Outline Plan

Economic and Development Director Cameron Ross stated this is an amendment to the outline plan. The original outline plan was approved by the Board in July of 2015. All final plans presented to the Planning Commission and approved by the Board must conform with the approved outline plan. In the event the final plans do not align themselves with the approved outline plan, amended outline plan must be presented and approved by the Planning Commission and then brought back to the Board for a public hearing. The outline plan had modified a portion of the street network and some of the building site planning features as it relates to the plan as a whole.

Mr. Ross described the first outline plans and the changes in the amendment. The developer has applied for approval of an amended outline plan to incorporate the revisions being made to the location and configuration of the hotel building proposed for Parcel 2 and the associated configuration of the TraVure Drive roundabout and street design. Under the amended outline plan and proposed phases, the developer will not be requesting certain warrants that would have been required under the previously proposed development.

Mr. Ross discussed in detail the four conditions in the proposed motion.

Mayor Palazzolo opened the public hearing.

Brenda Solomito-Basar, representing Solomito Land Planning, explained how the regulations and design guidelines transformed because it is a foreign based zoning, command uses, the density, the aesthetics, the landscaping, how it all interacts to create your vision that you approved a number of years ago. She distributed a list of things that had changed to the developments to obtain 0 warrants and at the request of City staff and some of the neighbors. She stated there was always a process where they were willing to listen.

Ms. Basar stated they were generally in conformance with staff's proposed conditions. There were some additions, conditions and changes since the Planning Commission meeting. The State of Tennessee requires that the warrant study be done by a licensed engineer, be reviewed by a licensed engineer, and produced by a licensed engineer. She said they were requesting that the State of Tennessee guidelines, laws, and the federal laws be permitted to enter these steps and conditions as well. Specifically, the

Federal Highway Administration regulates, for the most part, the traffic design and flow throughout the United States. The State of Tennessee has adopted that manual and that model and we also have our own supplements.

Ms. Basar stated for full transparency and to be in the same spirit as before the Planning Commission, they would like for this to be left wholly up to the engineering department or at the very least, have City engineering added into item No. 1 and item (a) and No. 2.

Barry Ward stated he was an attorney with Ballin, Ballin & Fischman and was representing the developers of TraVure and Gill Properties. He asked for record for approval that they had met the code, and the law in Tennessee is very clear that once that happens, the duties are redundant. Mr. Ward stated there were two changes in the motion - the city engineer has been deleted and put in its place is City Administration. Also, it is written "subject to the authorization by the City Administration and revocable at any time." He suggested that it was not in the City's best interest to add this to the motion.

Ms. Basar stated they had written a letter to the residents responding to their requests. There had been multiple meetings and, within reason, they had been able to address their concerns.

In response to a question from Alderman Gibson, Mr. Ross stated it was his understanding that the conditions in terms of their concept were discussed with the legal team and with our legal counsel in essence of those conditions approximately 10 days ago.

Mr. Ward stated he received the written conditions today. Ten days ago they had discussions with Ms. Wiles and Gregory Parrish and they never got to the definite language. Neither can agree with the residents, they had a followup discussion this afternoon and were unable to reach an agreement.

Alderman Owens asked Ms. Wiles to address what had been said regarding the legal issues.

Ms. Wiles stated she and David Harris had a conversation with Mr. Ward about two weeks ago about the substance of the traffic light. There is no requirement in our ordinance to provide that there has to be a traffic light as part of this development in the first place. The position that was expressed to him at that time is that the City must be able to make a determination at any time where a traffic light is needed for traffic purposes, for safety purposes and it was the City's position that it needed to be able to make that determination at the appropriate time. The language that was provided, she believes, gives the City that right. The conditions provided for (b) were part of the Planning Commission. This has been the concept all along as we see it, is that the location and timing of the light will be determined by the City at the appropriate time that it is needed to address the traffic and safety conditions. That will occur whenever the development comes along. We are not committed, necessarily, to a light at TraVure and Poplar, we are not committed to not having a light at TraVure and Poplar, it must be decided at the time it is warranted. That is what this language is intended and does, in her opinion, state. It is not going to be an arbitrary decision, she disagreed with Mr. Ward on that, it is consistent with the City's responsibilities under state law and under our own ordinances to determine at all times where a traffic light is going to be located in our right-of-ways.

Alderman Janda stated that basically we are agreeing that if there is light in the future, we will be the ones making the decision where it goes. The revocable at any time, really has no bearing on the decision.

Ms. Wiles stated he was correct, that was intended to make it very clear to all the parties that there is no commitment at this time of approval of amended outline plan or these final plans that the City is deciding, at this point, to agree to put a light at TraVure and Poplar.

Alderman Klevan asked if the language on 1, then the outline plan that is being submitted will be executed and signed, the language on it says the primary drive may be signalized subject to review and approval by the City Engineer.

Ms. Wiles stated that was on the outline that was approved by the Planning Commission. These will be additional conditions.

Robert Fogelman, 744 S. White Station Rd., asked that the traffic and utilities studies be done before completed because the TraVure development will cause more traffic and can cause a problem. He stated he had attended many meetings including the BMA, the Planning Commission, and the Smart Growth Subcommittee several times over the past year. He has maintained one concern, the Western Gateway Plan was intended to be a harmonious group effort that addressed 58 acres as a whole, not any one parcel in a vacuum. His concerns consistently related to circulation and traffic flow given the current design of TraVure. The City had issued a Western Gateway traffic study that will not be complete for another eight weeks. He urged the BMA to create flexibility in the future to assure that circulation in traffic flow through the Western Gateway will maximize economic development potential for all property owners for the citizens of the City of Germantown.

Two members of the Nottoway Leadership Team came forward to speak:

Gene Henson, 1927 Chatsworth Dr., stated his association had worked very hard with the City and the developer to achieve what they believed the most effective transitional zoning for the TraVure property. They tried to provide for the residential area an adequate protection for what was to become higher density commercial development. With the help of the City, they were able to achieve a 150ft. transitional bumper before the western boundary of Nottoway. He stated the plan that the residents believe contain elements that are not in keeping with and not in compliance with the T4R zoning. The access road which is 25 feet from the Nottoway boundary is necessary in order to accommodate the high amount and volume of traffic that will be associated with the development. The team feels this is not in keeping with the T4R but also not in the spirit of T4R. There are seven homes that back up to the TraVure property that will have direct line of sight view, light and/or vehicles through the south fascia of the parking garage which remains open with some lighting stanchions on the top of the garage. The T4R zonings do not allow above ground parking structure. They ask the Board to consider and understand their position and to take it into consideration when the vote is taken.

Greg Fletcher, 1889 Welton Drive, spoke as Vice President of the Nottoway Homeowners Association. He urged the Board to reject the TraVure plan because they felt it violates Smart Code Zoning. He felt the visibility study completely ignored the fact that the residential properties across the fence from TraVure consist of two and three story properties with west facing windows. He went on to detail the visibility study and how he felt staff had violated the rules.

Ken Edmondson, 1900 Hazelton Dr., praised the Public Works, Police, Fire, and Utilities Departments because of their extraordinary responsive customer oriented service. He asked the Board to consider the people of Nottoway when making their decision and to vote their conscience, not some political agenda.

Kevin Helms, 2759 Hunters Horn Cove, felt the TraVure development with its possible tax revenue would bring positive growth to the City.

Patty Zerilla, 6800 Old Bridge Lane, was concerned with the traffic and how it backs up now and during peak times.

David Meeks, 8449 Lansingwood Cove, realizing the City is quickly running out of land to develop felt this project was very much needed and would provide good tax revenue.

Lizette Flowers, 1908 Clarington Dr., felt the original ideas to develop this property were a long way from what it is now.

Stan Olson, 1889 Hazelton Dr., stated his concern was not only with the development as it is planned but what would happen if the property flipped and then what would happen to the value of the property.

Having no further citizens come forward to speak, the public hearing was closed.

In response to a question from Alderman Gibson regarding the six foot man assessment, Mr. Ross stated the land itself is zoned, not the structure on the land. Those structures that are on the land as it is zoned are all different at different locations. In terms of applying a clear system of measurement, looking from the property line as it is measured from the ground from that property is how it is determined clear and consistent. If it were measured from the second floor window, it would be a completely different view. There is not a standard that could be measured in terms of looking at it from the structure perspective.

Ms. Wiles stated the actual language that was quoted earlier does say lighting is not visible from the street or from abutting residentially zoned property. She would concur with Mr. Ross statement, abutting residential zoned properties relates to the land, not the structure.

Alderman Gibson asked Mr. Ross what steps had been taken to address the southern exposure of the parking garage relative to lighting and landscaping.

Mr. Ross stated at this time the southern exposure is not wide open, it has at the first level a five foot wall leading up to a 20.5 inch opening, on the second level there is a five foot wall leading to a 20.5 inch opening and on the third level there is a six foot wall where the developer has modified the lighting plan to change from light poles to wall packs and all the existing light poles have been concentrated to the center of the third parking level. There is only three and they have lowered those down to 12 feet. They still meet the section of the code that identifies the particular lighting standards and safety features. The developers have also agreed to install a dimming system that will be motion activated and will go down to a low level when there is no activity in terms of a car or person.

Alderman Owens asked Ms. Wiles to elaborate on the parking structure not being allowed in the T4R District.

Ms. Wiles stated the language that was cited by one of the speakers really goes to that point in City Code Section 23779 there is a section that is called "Permitted Uses" and C1 of that section discusses as was quoted the parking structure, where an above ground parking structure is located at the perimeter of the building it shall be screened or treated, etc. It is clear that the language of the ordinance is discussing what happens when there is above ground parking structure. It is clear from the language and ordinance itself it was contemplated and included in the term parking facilities.

Mayor Palazzolo left the dais.

Alderman Janda stated in his meetings with Nottoway, there were four conditions they were looking to have to support this construction. He said he thought there was a compromise on the four issues, but apparently there is not. There were 13 things Mr. Gill had done that did not have to be done, they did away with all the warrants, what else can be done?

Mr. Ross went over the compromises and the steps taken to develop today's plan.

Alderman Janda stated these were all compromises on the Gill side but what were the compromises made by the residents in the Nottoway property. He stated he understands the compromises the Gill's had made but had not seen anything the Nottoway residents had compromised on.

Alderman Klevan stated he had worked on this process for a long time and he felt one of the challenges was how we interpret the codes we put in the process. He stated we must rely on our staff and our legal council to give the Board sound advice, recommendations and interpretations we can evaluate ourselves before making a decision. He asked to change the proposed motion.

Ms. Wiles stated the language that was presented to the Board is our recommendation for language that would permit everyone to understand that the traffic light will be located at the location and at the time that the City determines is best warranted for traffic safety and other issues the City Engineer and the City Administration would take into consideration and the fact that the City has the right at any time with the light, to move it should traffic conditions warrant that down the road, whether this light or another light.

Alderman Klevan asked the applicant if the Board voted on the proposed motion and there was a favorable vote, was that something she could not live with?

Ms. Basar stated they were mostly in agreement with staff, there are no serious objections, and they just wanted to be more specific about the intent. She stated she just wanted to continue the spirit of what happened at the Planning Commission allowing the City Engineer to review and approve since they are the licensed professionals. She stated that by interjecting the City Engineer it would cover what they believe to be some liability issues and also clarification.

Alderman Barzizza stated his common sense approach would be that the Gills had gone out of their way to eliminate the warrants. He had talked with several of the Nottoway residents, Mr. Fogelman and the Gills and he felt they were still far away from a compromise on all sides. He asked to bring some common sense into the discussions.

Mr. Ross asked to clarify for the record that there was a traffic impact analysis prepared for this development. What is currently under preparation that was approved by the Board in January is a traffic impact model for the entire Western Gateway which would consider this development as well as any other developments as measured what was proposed in the Western Gateway Plan.

Alderman Owens stated he had voted against the resolution on the Planning Commission. Since then, Mr. Gill had met the landscape requests from Nottoway. Nottoway had presented a request about the driveway and putting a gate up if traffic got too bad, with this approval the City has authority to initiate that plan. Several compromises had been achieved and he felt it was a plan that could help the City. The developer had met all our requirements and we do not want to send out a message that a developer could come into town and meet our ordinance requirements, reduce his warrants to zero and still be rejected.

RESOLUTION 16R07

A RESOLUTION TO APPROVE THE AMENDED OUTLINE PLAN FOR THE TRAVURE PLANNED UNIT DEVELOPMENT

WHEREAS, Gill Poplar GP and Germantown Hotel Group, LLC propose the development of 10 acres located on the south side of Poplar Ave. approximately 750 east of Kirby Parkway into a Planned Unit Development (PUD) to be known as TraVure PUD; and

WHEREAS, the developer's request approval of an Amended Outline Plan for the PUD so as to modify the standard development and building requirements to meet current development objectives; and

WHEREAS, the Planning Commission on December 8, 2015, reviewed the request for the proposed Amended Outline Plan for the PUD and recommended approval of the request.

NOW, THEREFORE, BE IT RESOLVED by the City of Germantown that the Amended Outline Plan for the TraVure Planned Unit Development be approved, subject to Staff comments and conditions including, but not limited to:

- (1) That the Amended Outline Plan and development contract provide that location of the proposed traffic light at the intersection of TraVure Drive and Poplar Avenue shall be subject to authorization by the City Administration and revocable at any time.
- (2) In addition, and subject to authorization by the City Administration, in the event a traffic signal is located at TraVure Drive and Poplar Ave., the following conditions are imposed:
 - (a) building permits for both phases 2 and 3 are required prior to construction of the traffic signal, and
 - (b) certificates of occupancy for both phases 2 and 3, and certificates of occupancy for a minimum of 60% of the floor area of phase 3 (office building) are required prior to placing the signal in operation, unless it is determined by the City Engineer that operation of the traffic signal is warranted at an earlier time.
- (3) [insert such other conditions as approved by BMA]

Mike Palazzolo, Mayor

Dotty Johnson, City Clerk

Motion by Janda, seconded by Klevan, to approve Resolution 16R07 for the Amended TraVure PUD Outline Plan, with the following conditions:

- (1) That the Amended Outline Plan and development contracts provide that location of the proposed traffic light at the intersection of TraVure Drive and Poplar Avenue shall be subject to authorization by the City Administration and revocable at any time.
- (2) In addition, and subject to authorization by the City Administration, in the event a traffic signal is located at TraVure Drive and Poplar Ave., the following conditions are imposed;
 - a. building permits for both phases 2 and 3 are required prior to construction of the traffic signal, and
 - b. certificates of occupancy for both phases 2 and 3, and certificates of occupancy for a minimum of 60% of the floor area of phase 3 (office building) are required prior to placing the signal in operation, unless it is determined by the City Engineer that operation of the traffic signal is warranted at an earlier time.
- (3) Within 12 months after the City's initial acceptance of all four phases, and after review by the City Engineer and City Administration, a determination shall be made by the City if access on the eastern roadway should be limited to certain hours. If limited access is deemed necessary, appropriate measures shall be installed at the developer's expense.
- (4) Based on the DRC's review of alternatives and subsequent recommendations, the landscaping plan for the vegetative buffer area shall be replaced with the revised landscape plan dated February 22, 2016 agreed to and submitted by the developer.

Motion by Mr. Klevan for friendly amendment, seconded by Mr. Janda:

- (1) That the Amended Outline Plan and development contracts provide that location of the proposed traffic light at the intersection of TraVure Drive and Poplar Avenue shall be subject to authorization by the City Administration *and City Engineer* and revocable at any time.

Alderman Owens asked to remove the "revocable at any time" from (1).

Ms. Wiles stated she believed the language needed to be included the way it is written, otherwise it says that the amended outline plan and development contracts provide that location of the traffic light at this intersection. That implies that there will be one there subject to authorization by the City Engineer and City Administrator. We have to keep in there that opportunity for the City to evaluate all the other conditions when the time comes so they may not put it at TraVure and Poplar, it may or may not.

Motion by Mr. Owens for second friendly amendment, seconded by Mr. Janda

- (5) *If determination if made by the City Engineer that light is visible from the south side of the parking garage after construction, appropriate measures shall be installed at the developer's expense prior to the issuance of a certificate of occupancy for the parking garage.*

Mr. Ross stated for any certificate of occupancy for use permit is issued from the City, all will be taken care of to bring it into compliance.

Ms. Basar stated once the southern exposure is completed and the City finds it to be in violation, they would absolutely agree to remedy the situation.

Motion by Mr. Klevan, seconded by Mr. Janda, to accept the motion as amended.

Alderman Owens stated many hours had been put into this by all members of the Board and we must rely on staff and their advice and based on the advice given and the motion that was created, he would be voting yes.

Alderman Janda stated that he was very concerned when a developer comes to us with no warrants and follows all the rules and the expertise of our team and we must depend on them. He felt there had been a lot of compromise.

Alderman Barzizza stated he would be voting yes because the reasons already expressed.

Alderman Gibson would be voting yes based on the specific requirements included as conditions of approval.

Alderman Klevan stated he felt the City had done the best we can in doing the right thing and he was voting yes.

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

Resolution 16R11 - Final Plan Approval Phase 1 – TraVure

Mr. Ross stated this was the final plan for Phase 1. Phase 1 consists of the entire infrastructure as well as the roads, the wall, the landscape and the buffer area. Also included in Phase 1 is the drainage plan as well as sewer and other associated infrastructure.

Alderman Owens asked if it could be assumed that the conditions that were in the first resolution would be added to this resolution.

Ms. Wiles stated it would as amended.

Resolution 16R11

**A RESOLUTION TO APPROVE THE PHASE 1 FINAL PLAN
FOR THE TRAVURE PLANNED UNIT DEVELOPMENT**

WHEREAS, Gill Poplar GP and Germantown Hotel Group, LLC propose the development of 10 acres located on the south side of Poplar Ave. approximately 750 east of Kirby Parkway into a Planned Unit Development (PUD) to be known as TraVure PUD; and

WHEREAS, the developer's request approval of the Phase 1 Final Plan for the PUD so as to modify the standard development and building requirements to meet current development objectives; and

WHEREAS, the Planning Commission on December 8, 2015, reviewed the request for the proposed Phase 1 Final Plan for the PUD and recommended approval of the request.

NOW, THEREFORE, BE IT RESOLVED by the City of Germantown that the Phase 1 Final Plan for the TraVure Planned Unit Development be approved, subject to Staff comments and conditions including, but not limited to:

- (1) That the Phase 1 Final Plan and development contract provide that location of the proposed traffic light at the intersection of TraVure Drive and Poplar Avenue shall be subject to authorization by the City Administration and revocable at any time.
- (2) In addition, and subject to authorization by the City Administration, in the event a traffic signal is located at TraVure Drive and Poplar Ave., the following conditions are imposed:

- (a) building permits for both phases 2 and 3 are required prior to construction of the traffic signal, and
 - (b) certificates of occupancy for both phases 2 and 3, and certificates of occupancy for a minimum of 60% of the floor area of phase 3 (office building) are required prior to placing the signal in operation, unless it is determined by the City Engineer that operation of the traffic signal is warranted at an earlier time.
- (3) [insert such other conditions as approved by BMA]

Mike Palazzolo, Mayor

Dotty Johnson, City Clerk

Motion by Mr. Owens, seconded by Mr. Klevan, to approve Resolution 16R11 for the Phase 1 Final Plan of the Amended TraVure PUD Outline Plan, as amended and with the following conditions:

- (1) That the Phase 1 Final Plan and development contracts provide that location of the proposed traffic light at the intersection of TraVure Drive and Poplar Avenue shall be subject to authorization by the City Administration and *City Engineer* and revocable at any time.
- (2) In addition, and subject to authorization by the City Administration, in the event a traffic signal is located at TraVure Drive and Poplar Ave., the following conditions are imposed;
 - a. building permits for both phases 2 and 3 are required prior to construction of the traffic signal, and
 - b. certificates of occupancy for both phases 2 and 3, and certificates of occupancy for a minimum of 60% of the floor area of phase 3 (office building) are required prior to placing the signal in operation, unless it is determined by the City Engineer that operation of the traffic signal is warranted at an earlier time.
- (3) Within 12 months after the City's initial acceptance of all four phases, and after review by the City Engineer and City Administration, a determination shall be made by the City if access on the eastern roadway should be limited to certain hours. If limited access is deemed necessary, appropriate measures shall be installed at the developer's expense.
- (4) Based on the DRC's review of alternatives and subsequent recommendations, the landscaping plan for the vegetative buffer area shall be replaced with the revised landscape plan dated February 22, 2016 agreed to and submitted by the developer.
- (5) *If determination is made by the City Engineer that light is visible from the south side of the parking garage after construction, appropriate measures shall be installed at the developer's expense prior to the issuance of a certificate of occupancy for the parking garage.*

Alderman Janda felt it was a good plan.

Alderman Barzizza stated it was a good plan.

Alderman Gibson stated that after due consideration her vote would be yes.

Alderman Klevan stated he would be voting yes. Basically this would be dealing with the infrastructure and has been property vented and he felt comfortable with the amendments.

Alderman Owens stated he would vote yes based on the compromise that had been reached regarding the landscaping and the other revisions.

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

Resolution 16R12 - Final Plan Approval Phase 2 – TraVure

Mr. Ross stated this was final plan approval for Phase 2 and the hotel portion of the development. Phase 2 consists of a 220 room hotel in a five story, 55 foot tall building. The building is roughly "U" shaped and placed at the southern end of the TraVure Drive round-about. It has been designed to meet all the design and sitting requirements of the T-5 district.

The hotel was redesigned to reflect it was a 0 warrant item. Staff had worked with the development team to go through various areas that worked with our ordinance as well as the needs of the developers and requirements of the site.

Resolution 16R12

**A RESOLUTION TO APPROVE THE PHASE 2 FINAL PLAN
FOR THE TRAVURE PLANNED UNIT DEVELOPMENT**

WHEREAS, Gill Poplar GP and Germantown Hotel Group, LLC propose the development of 10 acres located on the south side of Poplar Ave. approximately 750 east of Kirby Parkway into a Planned Unit Development (PUD) to be known as TraVure PUD; and

WHEREAS, Germantown Hotel Group, LLC requests approval of the Phase 2 Final Plan for the PUD so as to modify the standard development and building requirements to meet current development objectives; and

WHEREAS, the Planning Commission on December 8, 2015, reviewed the request for the proposed Phase 2 Final Plan for the PUD and recommended approval of the request.

NOW, THEREFORE, BE IT RESOLVED by the City of Germantown that the Phase 2 Final Plan for the TraVure Planned Unit Development be approved, subject to Staff comments and conditions including, but not limited to:

- (1) That the Phase 2 Final Plan and development contract provide that location of the proposed traffic light at the intersection of TraVure Drive and Poplar Avenue shall be subject to authorization by the City Administration and revocable at any time.
- (2) In addition, and subject to authorization by the City Administration, in the event a traffic signal is located at TraVure Drive and Poplar Ave., the following conditions are imposed:
 - (a) building permits for both phases 2 and 3 are required prior to construction of the traffic signal, and
 - (b) certificates of occupancy for both phases 2 and 3, and certificates of occupancy for a minimum of 60% of the floor area of phase 3 (office building) are required prior to placing the signal in operation, unless it is determined by the City Engineer that operation of the traffic signal is warranted at an earlier time.
- (3) [insert such other conditions as approved by BMA]

Mike Palazzolo, Mayor

Dotty Johnson, City Clerk

Motion by Mr. Klevan, seconded by Ms. Gibson, to approve Resolution 16R12 for the Phase 2 Final Plan of the Amended TraVure PUD Outline Plan, with the following conditions:

- (1) That the Phase 2 Final Plan and development contracts provide that location of the proposed traffic light at the intersection of TraVure Drive and Poplar Avenue shall be subject to authorization by the City Administration *and City Engineer* and revocable at any time.
- (2) In addition, and subject to authorization by the City Administration, in the event a traffic signal is located at TraVure Drive and Poplar Ave., the following conditions are imposed;
 - a. building permits for both phases 2 and 3 are required prior to construction of the traffic signal, and
 - b. certificates of occupancy for both phases 2 and 3, and certificates of occupancy for a minimum of 60% of the floor area of phase 3 (office building) are required prior to placing the signal in operation, unless it is determined by the City Engineer that operation of the traffic signal is warranted at an earlier time.
- (3) Within 12 months after the City's initial acceptance of all four phases, and after review by the City Engineer and City Administration, a determination shall be made by the City if access on the

eastern roadway should be limited to certain hours. If limited access is deemed necessary, appropriate measures shall be installed at the developer's expense.

- (4) Based on the DRC's review of alternatives and subsequent recommendations, the landscaping plan for the vegetative buffer area shall be replaced with the revised landscape plan dated February 22, 2016 agreed to and submitted by the developer.
- (5) *If determination is made by the City Engineer that light is visible from the south side of the parking garage after construction, appropriate measures shall be installed at the developer's expense prior to the issuance of a certificate of occupancy for the parking garage.*

Alderman Owens stated the building had been redesigned several times to bring it to 0 warrants and it was greatly appreciated.

Alderman Barzizza would be voting yes and he was pleased with the hotel and it would be an asset to the City.

Alderman Gibson based on principles she would be voting yes.

Alderman Klevan would be voting yes and he complimented the developer for getting down to 0 warrants and the compromises that had been made.

Alderman Owens said he would be voting yes for the reasons previously stated.

Alderman Janda because the developer had compromised with things Nottoway had asked for and their fairness he would be voting yes.

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

Resolution 16R13 - Final Plan Approval Phase 3 – TraVure

Mr. Ross stated Phase 3 consists of 3.3 acres in area and consists of a five-story office building containing 15,620 sq. ft. of floor area, and a 468 space parking structure. The parking structure will have two levels below grade and three levels above. It has been designed to meet all the design and location requirements of the T-5 district. What is being approved is landscaping grading, materials and landscape plan.

The developer closed in the east side of the garage as it faces Nottoway. The lighting plan reflects the closure as well as the modifications to the lighting poles that were on the third level of the garage and switching those to wall packs around the edges and lowering those in the center down two feet so they would be less visible. Most of the brackets light inward and it is reflected.

Resolution 16R13

A RESOLUTION TO APPROVE THE PHASE 3 FINAL PLAN FOR THE TRAVURE PLANNED UNIT DEVELOPMENT

WHEREAS, Gill Poplar GP and Germantown Hotel Group, LLC propose the development of 10 acres located on the south side of Poplar Ave. approximately 750 east of Kirby Parkway into a Planned Unit Development (PUD) to be known as TraVure PUD; and

WHEREAS, Gill Poplar GP requests approval of the Phase 3 Final Plan for the PUD so as to modify the standard development and building requirements to meet current development objectives; and

WHEREAS, the Planning Commission on December 8, 2015, reviewed the request for the proposed Phase 3 Final Plan for the PUD and recommended approval of the request.

NOW, THEREFORE, BE IT RESOLVED by the City of Germantown that the Phase 3 Final Plan for the TraVure Planned Unit Development be approved, subject to Staff comments and conditions including, but not limited to:

- (1) That the Phase 3 Final Plan and development contract provide that location of the proposed traffic light at the intersection of TraVure Drive and Poplar Avenue shall be subject to authorization by the City Administration and revocable at any time.
- (2) In addition, and subject to authorization by the City Administration, in the event a traffic signal is located at TraVure Drive and Poplar Ave., the following conditions are imposed:
 - (a) building permits for both phases 2 and 3 are required prior to construction of the traffic signal, and
 - (b) certificates of occupancy for both phases 2 and 3, and certificates of occupancy for a minimum of 60% of the floor area of phase 3 (office building) are required prior to placing the signal in operation, unless it is determined by the City Engineer that operation of the traffic signal is warranted at an earlier time.
- (3) [insert such other conditions as approved by BMA]

Mike Palazzolo, Mayor

Dotty Johnson, City Clerk

Mr. Ross stated in his discussions with Alderman Owens, regarding the south side of the garage, when Phase 3 comes out of the ground and is not in compliance with code, before a certificate of occupancy is issued by the City; it will be determined whether it is in compliance.

Alderman Gibson stated that after meeting with Mr. Fletcher and Mr. Henson, a lot of discussion has gone on and the concerns that had come out of those discussions was the interpretation of that ordinance and she respectfully had listened and felt with the additional amendments pertaining to the lighting, she would be voting yes.

Mr. Ross stated the developers had also agreed, as a part of the lighting, on the third level of the garage, they would install a dimming system that will be motion activated by either cars or activity on the deck.

Alderman Owens asked if there is lighting on the roof tops, would the lighting still be as previously discussed regarding a 6 foot man. Mr. Ross said it would be.

Motion by Klevan, seconded by Mr. Barzizza, to approve Resolution 16R13 for the Phase 3 Final Plan of the Amended TraVure PUD Outline Plan, as amended with the following conditions:

- (1) That the Phase 3 Final Plan and development contracts provide that location of the proposed traffic light at the intersection of TraVure Drive and Poplar Avenue shall be subject to authorization by the City Administration *and City Engineer* and revocable at any time.
- (2) In addition, and subject to authorization by the City Administration, in the event a traffic signal is located at TraVure Drive and Poplar Ave., the following conditions are imposed;
 - a. building permits for both phases 2 and 3 are required prior to construction of the traffic signal, and
 - b. certificates of occupancy for both phases 2 and 3, and certificates of occupancy for a minimum of 60% of the floor area of phase 3 (office building) are required prior to placing the signal in operation, unless it is determined by the City Engineer that operation of the traffic signal is warranted at an earlier time.
- (3) Within 12 months after the City's initial acceptance of all four phases, and after review by the City Engineer and City Administration, a determination shall be made by the City if access on the eastern roadway should be limited to certain hours. If limited access is deemed necessary, appropriate measures shall be installed at the developer's expense.
- (4) *Based on the DRC's review of alternatives and subsequent recommendations, the landscaping plan for the vegetative buffer area shall be replaced with the revised landscape plan dated February 22, 2016 agreed to and submitted by the developer.*
- (5) If determination is made by the City Engineer that light is visible from the south side of the parking garage after construction, appropriate measures shall be installed at the developer's expense prior to the issuance of a certificate of occupancy for the parking garage.

Alderman Gibson would be voting yes as previously stated.

Alderman Klevan thanked Cameron Ross for all he had done whether with Alderman one-on-one, the developer or many of the other things that brought these ordinances forward. He thanked Ms. Wiles for her legal expertise and the Gill Team for their cooperation. He would be voting yes.

Alderman Owens stated that because the development meets the standards of the Western Gateway and had 0 warrants, he would be voting yes.

Alderman Janda said he agreed with Alderman Owens and he would be voting yes.

Alderman Barzizza echoed the comments made before and he would be voting yes.

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

Mayor Palazzolo thanked Mr. Ross, Mr. Gwaltney, Mr. Morgan and all the staff for their professionalism in the face of adversity.

Western Section of Wolf River Blvd. – Project Closeout

City Engineer Tim Gwaltney explained that there are three change orders to the contract with Ferrell Paving Inc., for the Wolf River Boulevard repaving project from Germantown Road to Kimbrough (west end). The project was funded through the Surface Transportation Program with the City being reimbursed 80% of all project expenditures. The original contract amount was \$896,632.75. The project is closing out at \$94,287.82 below the original contract amount.

Motion by Mr. Barzizza, seconded by Ms. Gibson, to approve Change Orders 1, 2 and 3 with amounts listed herein to the contract with Ferrell Paving, Inc. for construction of Wolf River Boulevard Repaving Project from Germantown Road to Kimbrough (west end), closing out the project \$94,287.82 below the original contract amount.

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

ADD-On – Germantown Greenway Trail Change Orders No. 1, 2 & 3

Mr. Gwaltney stated the three change orders had been recommended for approval by the City's construction engineering inspection firm, Smith Seckman Reid and approved by the City Engineer that result in a net zero change to the contract. Change Order 1 is to add temporary mulch (\$6,300), Change Order 2 is to add head walls, boring of electrical services, anti-slip for Pedestrian Bridges (\$6,113), Change Order 3 add complete demo/rebuild to trailhead d/w (\$9,678) and Change Order 3 to deduct excess aggregate materials (-\$22,091).

Motion by Mr. Owens, seconded by Mr. Barzizza, to approve Change Orders No. 1, 2 and 3 in the amount listed herein resulting in no net change to the existing contract with Rose Construction, Inc. for construction of a segment of the Germantown Greenway on the north side and parallel to the new segment of Wolf River Boulevard from the Western Trailhead near Kimbrough to Cameron Brown Park.

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

Adjournment

The meeting was adjourned at 9:30 p.m.