

BOARD OF MAYOR AND ALDERMEN

March 14, 2016

The regular meeting of the Board of Mayor and Aldermen was held on Monday, March 14, 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, Chief John Selberg, Pam Beasley, Tony Fischer, Steve Wilensky, Paul Chandler, Reynold Douglas, Butch Eder, Cameron Ross, Phil Rogers, Cathryn Perdue, Joe Nunes, Lisa Piefer, Bo Mills and Dotty Johnson.

Call to Order

The Mayor called the meeting to order.

Invocation

Parks & Recreation Director Pam Beasley gave the invocation.

Pledge of Allegiance

Alderman Forrest Owens led the Pledge of Allegiance.

Approval of Agenda

There were no changes to the agenda.

Motion by Mr. Janda, seconded by Mr. Barzizza, 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 several corrections to the minutes: page 8, 9th paragraph, should read “agreeing that *if* there is light--”; page 10, 8th paragraph *City Code of Ordinance, section 23779* should be added, page 11, 7th paragraph, should read: “*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. Several compromises had been achieved and he felt it was a plan that could help the City.*” Also, page 12, third paragraph from bottom of page, the first sentence should read “*Ms. Wiles stated she believed the language needed to be included because the way it is written---*.”

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

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

Youth Excellence Award

Alderman Gibson read the achievements and honors Ms. Payton Kinler had received. Ms. Kinler is a senior at Houston High School. The award was presented by Stephanie Brockway representing the Germantown Education Commission and Mr. Bob Lockner and Mr. Mark Smith from Principle Toyota who sponsored the award.

Special Recognitions

Recognition of Grant – Human Resources

Human Resources Director Steve Wilensky stated that Germantown was the first city in West Tennessee to qualify for this \$5,000 grant, based on meeting multiple criteria defined by the Healthier Tennessee Communities under the direction of the Governor’s Foundation for Health & Wellness. The grant will be used specifically for outreach purposes to establish the identity and to create a sustainable campaign promoting a multi-faceted healthy lifestyle among a majority of our citizens.

Ms. Syrena Flowers, West Tennessee Regional Director of the Governors Foundation for Health & Wellness, presented the check to Mayor Palazzolo and Mr. Brian Fisher, School Health Coordinator with the Germantown Municipal School District.

Ms. Flowers thanked the City of Germantown for being the spear-head city. Germantown is setting a standard for other cities across the state. She thanked everyone for their efforts.

Alderman Owens stated his excitement about increasing the quality of life of our residents and stated "Health is the new wealth!"

Mayor Palazzolo stated he was on the Wellness Council and thanked all who helped with the Mayor's 5K. He noted that Mr. Brian Fisher is responsible for the high energy and his efforts to organize the Wellness Council.

Motion by Mr. Owens, seconded by Ms. Gibson, to recognize a grant of \$5,000 from the Healthier Tennessee Communities program for successfully meeting the required criteria promoting wellness software in our schools, faith communities, and businesses and to approve Budget Adjustment No. 16-46.

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

Emergency School Safety Zone Installation

Mr. Lawton stated there was an event where a pedestrian was struck on Forest Hill near Dogwood. Lt. Brandon Schiel, who supervises the Resource Officer Program, contacted the City Engineer Tim Gwaltney and after an "After Action Review" and an "Evaluation of Need", it was decided what type of crosswalk would be needed for that wide area of Forest Hill. Mr. Gwaltney made a recommendation that an element be installed that could be used year around for all pedestrians. Working with Ms. Piefer, our Procurement Director, they very quickly came up with a price, under the \$10,000 limit, and with Mr. Lawton's approval, the equipment was ordered and Public Works Director Bo Mills and his crew, particularly Mr. Billy Barnes, worked to stripe the area and working with vehicle maintenance, the crossing is now in place. Mr. Lawton saluted all those who worked so diligently and came up with a solution to a problem to protect our citizens.

Alderman Liaison Reports

Alderman Barzizza:

The Historic Commission is working to restore historical markers. The Depot Museum is open one day a week. The Commission is creating a walking brochure and driving brochure of the city. This is the 175th anniversary of our Charter and they are planning sometime during the year to move the box car on the Cloyes property to the Depot.

The Senior Expo will be smaller this next year because of construction that will be taking place at GPAC. There will be fewer participants because of the area.

The Economic Development Commission met and Mr. Cameron Ross made a presentation on the Small Area Plan.

The Germantown Chamber will have a Health Expo on April 28 in the Great Hall and Conference Center.

Alderman Gibson:

Neighborhood Preservation Commission is preparing for the tour of model home and landscapes on April 24. Annual Neighborhood Summit will be held at the Great Hall and Conference Center on Tuesday, October 25.

The Education Commission is preparing for the Education Celebration to be held on Thursday, April 28. The Commission will present the Teacher of the Year Award, the Marjorie Riepe Memorial Teacher of the Year Award and the Youth Excellence Award.

Alderman Klevan:

Public Safety Education Commission held the Police Reserve Dinner. Safety City is in the planning stages to be held June 13 – 17. Drug Take Back will be held on April 30. The 911 locator signs are being placed on the Greenway. The Fire Department recently trained 750 students at Germantown High School in CPR. In the process of reactivating the “Alive at 25” program and making it available to all incoming freshmen who are citizens of Germantown.

Germantown Athletic Commission has reviewed the budget and asked for a \$2.5M renovation. Phase 1, which is a \$1.5M project is almost complete, on time and on budget.

Library Board is working to get more children involved in the Books from Birth program.

Personnel Advisory Commission did not meet because of lack of quorum but did have a work session.

Design Review Commission had three requests and approvals.

Vice Mayor Owens:

Beautification Commission held the Arbor Day Celebration and gave out 600 dogwoods and the Fruit Tree Sale was also a success.

Planning Commission approved the Forest Hill Heights Plan.

Parks & Recreation Commission held a cleanup of Oak Lawn Gardens.

Ms. Beasley stated the City was in the process of transitioning the gift of the Harry and Becky Cloyes property from private to our newest park system. There are many stakeholders involved in the restoration of this landmark. City crews from the General Services Division and Public Works crews had been working hard in removing the hazards and clearing the area. The gardens will reopen on April 1.

Alderman Janda:

The Audit Commission met and gave an excellent report. There are increased revenues from the Hall Tax and there are savings in health.

Environmental Commission discussed Amnesty Day that will be held on April 16.

Financial Advisory Commission discussed additional funding for the Historic Commission for the Depot Museum and Beautification Commission for additional holiday decorations. They unanimously voted to recommend approval for all the Enterprise Funds. The rate structure of the waste program was discussed and this was given to the subcommittee to study and make a recommendation. The FAC is reviewing the budget one fund at a time.

Mayor Palazzolo thanked the Board for their detailed report. The Mayor reported on the flooding that had taken place over the past week. There was a methane gas leak that was caused by the flooding water and caused an area to be evacuated. He thanked staff and employees for making sure the community is safe. He reported there were no homes flooded and it was because of the investment in drainage, laterals, stormwater, and detention that were much needed and paid off.

Citizens to be Heard

Sarah Freeman, 7689 Apahon Lane, came forward and spoke regarding the traffic signal in the TraVure development and the language that was changed in the contract. She felt the City Administrator has a conflict of interest in regards to the eventual location of the traffic signal at TraVure and asked for an investigation.

State Report on Debt Obligation for Bond Series 2016A and Series 2016B

Mr. Lawton explained the statute governing the issuance of General Obligation bonds requires, within 45 days following the execution of this transaction, the governing body (the Board of Mayor and Aldermen) be provided with information on a form entitled "Report on Debt Obligation" as provided the Comptroller of the Treasury. No formal action was required by the Board.

CONSENT

Recognition of Donations – Parks & Recreation

The Germantown Woman's Club has donated \$800.00 for the Special Recreation Program and \$500.00 for the Bobby Lanier Farm Park.

MOTION: To request the recognition of proceeds benefitting the Parks and Recreation Department, Special Recreation program and the Bobby Lanier Farm Park, as detailed above, both totaling \$1,300.00 and to approve Budget Adjustment No. 16-41.

Purchase – Turnout Gear – Fire Department

Turnout gear is an integral part of the firefighting ensemble. A set of turnout gear consists of a NFPA compliant coat and pant. The gear is state of the art materials.

MOTION: To approve the purchase of Fire Department Turnout Gear from North American Fire Equipment Company (NAFECO) through an HGACBuy cooperative contract EE08-15 for the amount of \$29,184.00 per quote #862254.

Surplus Property – Fire Engine

The original fire engine was purchased in 1975 from Pirsch Manufacturing for \$119,852.00. It has since undergone several remodel and refurbishing processes. The fire engine has been a reserve engine since 2003. With the purchase of the new engine this fiscal year, F-127 will no longer be needed.

MOTION: To declare a 1975 Pirsch Fire Engine, Asset #3572 as surplus property, thus allowing for disposal of the apparatus.

Appointment to Beautification Commission

Ms. Aurora Theeuwes has expressed a desire to fill a vacancy on the Beautification Commission.

MOTION: To approve the appointment of Ms. Aurora Theeuwes to serve on the Beautification Commission.

Purchase – Dump Trucks

These replacement vehicles will be used in the day-to-day operations of Public Works. The purchase is for one 2017 Kenworth T370 chassis equipped with a Rogers dump body and one 2017 Kenworth T370 chassis equipped with a Rogers dump body and central hydraulics. The following three vehicles will be declared surplus and sold: 2002 Ford F450 Dump Truck, a 2001 Ford F450 Dump Truck, and a 2003 GMC Topkick Tandem Axel Dump Truck.

MOTION: To approve the purchase of one 2017 Kenworth T370 chassis equipped with a Rogers dump body at a cost of \$118,006.00 and one 2017 Kenworth T370 chassis equipped with a Rogers dump body and central hydraulics at a cost of \$122,756.00 from National Fleet Auto Group resulting in a total

expenditure amount of \$240,762.00 and to approve Budget Adjustment No. 16-38. In addition, authorization is requested to declare replaced vehicles as surplus property.

Motion by Mr. Klevan, seconded by Mr. Barzizza, to accept the consent agenda as printed.

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

Regular Agenda

Certificate of Compliance – Forest Hill Wine Merchants

Mr. Lawton stated that retail package stores are required by the State Alcohol and Beverage Commission to obtain a Certificate of Compliance ever two years and submit this to the State. The completion of this certificate rests at the local level and is primarily based on the background check conducted by the Germantown Police Department. The owner was issued a misdemeanor citation in 2013, however, the applicant is not in violation of that section of the Tennessee Code Annotated governing the issuance of a Certificate of Compliance.

Motion by Mr. Janda, seconded by Mr. Barzizza, to issue a Certificate of Compliance to Oates Investments, LLC, for a retail liquor store located at 9087 Poplar Ave., Ste 101.

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

Certificate of Compliance – Whole Foods

Mr. Lawton explained that in 2014 the Tennessee General Assembly passed legislation allowing grocery stores to sell wine in 2016. Similar to retail package stores, the State Alcohol and Beverage Commission requires the applicant to complete and submit a Certificate of Compliance. The appropriate background checks have been completed by the Germantown Police Department and the applicants are in compliance with State law.

Motion by Mr. Janda, seconded by Ms. Gibson to issue a Certificate of Compliance to Whole Foods Market Group, Inc. for a retail food store wine license for Whole Foods Market located at 7825 U.S. Highway 72.

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

Certificate of Compliance – Sprouts Farmers Market

Mr. Lawton explained that in 2014, the Tennessee General Assembly passed legislation allowing grocery stores to sell wine in 2016. Similar to retail package stores, the State Alcohol and Beverage Commission requires the applicant to complete and submit a Certificate of Compliance. The appropriate background checks have been completed by the Germantown Police Department and the applicants are in compliance with State law.

Motion by Mr. Barzizza, seconded by Mr. Owens, to issue a Certificate of Compliance to Ryan Antoine Kelly, for a retail food store wine license for Sprouts Farmers Market located at 3150 Village Shops Dr., Suite 105.

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

Certificate of Compliance - Fresh Market

Mr. Lawton explained that in 2014, the Tennessee General Assembly passed legislation allowing grocery stores to sell wine in 2016. Similar to retail package stores, the State Alcohol and Beverage Commission requires the applicant to complete and submit a Certificate of Compliance. The appropriate background

checks have been completed by the Germantown Police Department and the applicants are in compliance with State law.

Motion by Mr. Janda, seconded by Mr. Owens, to issue a Certificate of Compliance to Fresh Market, Inc. for a retail food store wine license for The Fresh Market #39 located at 9375 Poplar Ave.

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

Great Hall Lobby Renovation Contract

CIP Manager Butch Eder stated this was a construction contract with Design Specialties and Construction in the amount of \$118,409.00 for the expansion of the lobby in the Great Hall & Conference Center. The expansion will be used for pre-function and post-function events.

Six contractors submitted bids. Five were within the Architect's estimate and one was significantly lower, approximately half the estimate. After several discussions with Jaycon Development they felt they could complete the project for their bid. However, based on the discrepancy, our Architect is concerned with Jaycon Development's low bid. Staff is recommending the approval of the second low bid submitted.

Motion by Mr. Janda, seconded by Mr. Barzizza, to authorize the Mayor to enter into a construction contract with Design Specialties and Construction Inc. in the amount of \$118,409.00 for the construction of the Great Hall Lobby Renovation Project.

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

Ordinance 2016-01 – Amendment to Chapter 21 – Utilities Ordinance – Third and Final Reading

Mr. Lawton stated this was an ordinance amendment that will allow the City to waive the late fee assessed on water and sewer bills if the resident has a 12-month history of paying their bill on time.

Motion by Mr. Janda, seconded by Ms. Gibson to approve Ordinance No. 2016-01 on third and final reading.

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

PEG Disbursement to GMSD

Mr. Lawton explained since 1996, the City has been collecting funds from the cable providers in our community to support the local public access channel. Prior to the formation of the Germantown Municipal School District (GMSD), the local public access channel was GHS-TV. With GMSD in place, the capital contribution funds are now going to support Germantown Municipal TV (GMTV).

The City is a pass-through for these funds. The cable companies collect the dollars from the subscribers based on a monthly fee which is currently \$1.35. These funds are remitted to the City by the cable provider recognized quarterly and, through the action of the Board of Mayor and Aldermen, transferred to GMSD to support the public access channel (GMTV) at Houston High School.

Motion by Ms. Gibson, seconded by Mr. Barzizza, to authorize the transfer of funds from the PEG, collected by the City to Germantown Municipal School District in the amount of \$48,496.72.

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

Solid Waste Collections Contract

Mr. Lawton stated this was a five-year contract with Waste Pro of Tennessee for the collection of solid waste including household garbage, recyclables, and yard debris effective July 1, 2016. The contract also contains an option for an additional five years at the City's discretion.

Our existing contract for sanitation services expires on June 30, 2016. Over the past several months City staff, legal and two commissions have worked to develop competitive sealed requests for proposals for the selection of our new solid waste contractor. The process identified and executed was flawless and resulted in the City receiving two competitive bids to consider as well as our own in-house proposal.

The recommendation is to award the solid waste collection contract to Waste Pro of Tennessee. The following is a summary of the contract requirements and scope of service.

Based on the number of units to collect and the residents' preference for backdoor or curbside, the anticipated contract cost for collection is approximately \$3.9 million. Sanitation services including collection and disposal is accounted for in the sanitation enterprise fund.

Any decisions regarding the collection fee to address the required revenues to support not only collection services and disposal costs will be addressed during the balance of the budget development with the Financial Advisory Commission and a recommendation to the Board.

Mr. Joyner from Waste Pro was present to answer any questions the Board might have.

Alderman Owens reported there had been previously been a lengthy work session on sanitation and the Board had been thoroughly updated on the subject. He asked for any feedback from other municipalities that had used Waste Pro.

Mr. Lawton stated he had talked with the city managers from Port Orange, Florida and Concorde, North Carolina where Waste Pro has presence. The Concorde, North Carolina contract was about to be renewed. They had high marks for their performance. The city manager in Port Orange had similar comments. They were not renewing their contract yet but reported that Waste Pro was definitely above average in their service. Both of these communities are larger than Germantown and Waste Pro had resolved all issues very quickly. He had also received from Joe Nunes, Neighborhood Services Manager, good responses from Southaven, MS, Stanford, FL, and Somerville, SC.

In response to a question from Alderman Owens regarding overages and how they are calculated, Mr. Nunes stated the contract calls for a limited 10 cubic yards of yard trash collected on a weekly basis. That is approximately 50 bags. If there are more than 50 bags, the supervisor will turn in a notice to the resident advising them of the overage and they will have to contract with Waste Pro or whomever they want for an additional amount.

Yard debris will be handled with a claw that will collect loose and large quantities of bags and will be supplemented with rear loaders that will collect yard carts and smaller amounts.

A discussion followed on the specifications of the contract such as education, bags to be used, amount of bags, yard trash size, etc.

The representative from Waste Pro, Mr. Roland Joyner, Olive Branch, MS, came forward to answer questions. He stated his company will service the community and be on hand if any problems.

Motion by Mr. Barzizza, seconded by Mr. Klevan, to authorize the Mayor to enter into a five-year contract (with an option for an additional five years) with Waste Pro of Tennessee, Inc. for the collection of solid waste (household trash, recyclables and yard trash) in the City of Germantown to be effective July 1, 2016.

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

Adjournment

The meeting was adjourned at 7:30 p.m.

Mike Palazzolo, Mayor

Dotty Johnson, City Clerk/Recorder